

Book Notes*

CONTENTS

CIVIL JUSTICE SYSTEMS	524
CIVIL LIBERTIES	524
CONSTITUTIONAL THEORY AND HISTORY	525
COURTROOM AS SPACE OF RESISTANCE	526
COURTS	526
CRIMINAL JUSTICE AND SOCIAL CONTROL	526
CULTURAL LEGAL STUDIES	529
EQUAL PROTECTION	529
FAMOUS TRIALS	529
THE FIELD OF LAW AND SOCIETY	530
GLOBAL DISPUTE RESOLUTION	530
HUMAN RIGHTS	530
INTERNATIONAL LAW ON THE GROUND	530
INTERSECTION OF LEGAL SYSTEMS	531
ISSUES IN RESEARCH ON LAW AND BEHAVIOR	531
JUDGES AND JUDGING	531
JUDICIAL INDEPENDENCE	532
JUDICIAL SELECTION	532
JURISPRUDENCE AND SOCIOLEGAL THEORY	532
LAW AND ABORTION	532
LAW AND COMPENSATION FOR INJURY	533
LAW AND DECEPTION	533
LAW AND EDUCATION	533
LAW AND THE ENVIRONMENT	534
LAW AND FAMILY RELATIONSHIPS	534
LAW AND GLOBALIZATION	534
LAW AND IMMIGRATION	534
LAW AND INTELLECTUAL PROPERTY	535
LAW AND LANGUAGE	535
LAW AND LITERATURE	536
LAW AND MEDICINE	536
LAW AND PROPERTY	536
LAW AND RACE	536
LAW AND RELIGION	537
LAW AND SEXUALITY	537
LAW AND SLAVERY	538

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

LAW AND SOCIAL CHANGE.....	538
LAW AND WAR.....	538
LAW AND WOMEN.....	538
LEGAL PLURALISM.....	539
LEGAL PROFESSION.....	539
REGULATION.....	539
RIGHTS.....	541
RULE OF LAW.....	541
STATE AND NONSTATE LAW.....	541
TOCQUEVILLE AND THE LAW.....	542
TRANSFORMATION OF LEGAL SYSTEMS.....	542
TRANSITIONAL JUSTICE.....	543
US SUPREME COURT.....	543

CIVIL JUSTICE SYSTEMS

Ramseyer, J. Mark. 2015. *Second-Best Justice: The Virtues of Japanese Private Law*. Chicago, IL: University of Chicago Press. Pp. xii + 283. \$50.00 cloth.

Ramseyer argues that the relatively low rate of lawsuits in Japan results not from distrust of a dysfunctional system but from trust in a system that works—that sorts and resolves disputes in such an overwhelmingly predictable pattern that opposing parties rarely find it worthwhile to push their dispute to trial. Using evidence from tort claims across many domains, he describes a court system designed not to find perfect justice, but to “make do”—to adopt strategies that are mostly right and that thereby resolve disputes quickly and economically.

Robbennolt, Jennifer K., and Valerie P. Hans. 2016. *The Psychology of Tort Law*. New York: New York University Press. Pp. xiv + 313. \$40.00 paper.

Drawing on psychological research, Robbennolt and Hans examine the psychological assumptions that underlie the doctrinal rules for tort (essentially accident) law. They explore how tort law influences the behavior and decision making of potential plaintiffs and defendants, examining how doctors and patients, drivers, manufacturers and purchasers of products, property owners, and others make decisions against the backdrop of the law. In addition, they discuss how judges and jurors are influenced by psychological phenomena in deciding tort cases, and how plaintiffs, defendants, and their attorneys resolve tort disputes in the shadow of tort law.

CIVIL LIBERTIES

Haverty-Stacke, Donna T. 2015. *Trotskyists on Trial: Free Speech and Political Persecution Since the Age of FDR*. New York: NYU Press. Pp. ix + 293. \$55.00 cloth.

Passed in June 1940, the Smith Act was a peacetime antisedition law that marked a dramatic shift in the legal definition of free speech protection in the United States. It was first brought to trial in July 1941, when eighteen Socialist Workers Party members were convicted of conspiring to overthrow the government. Drawing on newly declassified government documents and recently opened archival sources, Haverty-Stacke examines the social, political, and legal history of the case and its implications for organized labor and civil liberties in wartime and the postwar United States.

Knowles, Helen J., and Steven B. Lichtman, eds. 2015. *Judging Free Speech: First Amendment Jurisprudence of US Supreme Court Justices*. New York: Palgrave Macmillan. Pp. ix + 288. \$110.00 cloth; \$30.00 paper.

Knowles and Lichtman’s volume includes essays on the free speech jurisprudence of nine US Supreme Court Justices—Holmes, Sutherland, Black, Brennan, Harlan, Stewart, Kennedy, Thomas, and Breyer—to highlight key animating themes of different justices and to show how free speech jurisprudence has evolved over time.

Strum, Philippa. 2015. *Speaking Freely: Whitney v. California and American Speech Law*. Lawrence, KS: University Press of Kansas. Pp. xii + 186. \$45.00 cloth; \$18.95 paper.

Anita Whitney was a child of privilege who became a vocal leftist early in the twentieth century. In 1919 she was arrested and charged with violating California’s law banning speech or activity intended to change the US political and economic system. Strum’s story of the appeal to the US Supreme Court that grew out of Whitney’s conviction is also—because of the impact of the dissents by Brandeis and Holmes—“the story of how Americans came to enjoy the most liberal speech laws in the world.”

CONSTITUTIONAL THEORY AND HISTORY

Araiza, William D. 2015. *Enforcing the Equal Protection Clause: Constitutional Power, Judicial Doctrine, and Constitutional Law*. New York: New York University Press. Pp. xiii + 305. \$60.00 cloth.

Drawing on American thinking about equality in the decades before and after the Civil War, Araiza argues that congressional enforcement of the Fourteenth Amendment can coexist with judicial supremacy, as long as the Court limits its role to ensuring that enforcement legislation reasonably promotes the core meaning of the Equal Protection Clause. Much of the Court's equal protection jurisprudence stops short of stating such core meaning, thus leaving Congress free (subject to appropriate judicial checks) to enforce the full scope of the constitutional guarantee.

Bilder, Mary Sarah. 2015. *Madison's Hand: Revising the Constitutional Convention*. Cambridge, MA: Harvard University Press. Pp. viii + 358. \$35.00 cloth.

In an investigation that draws on digital technologies and traditional textual analysis, Bilder finds that James Madison revised his seminal *Notes on the 1787 Constitutional Convention* to a far greater extent than previously recognized. The *Notes* began as a diary of the Convention's proceedings, but were not completed until several years later, when Madison's views were influenced by the new government's challenges and Jefferson's political ideas. Bilder finds that key facets, such as the depictions of Alexander Hamilton and Charles Pinckney, shifted during the writing and rewriting, but that when the *Notes* were finally published in 1840, the layers of revision were invisible.

Grotke, Kelly L., and Markus Josef Prutsch, eds. 2014. *Constitutionalism, Legitimacy, and Power: Nineteenth-Century Experiences*. New York: Oxford University Press. Pp. xiv + 431. \$120.00 cloth.

Contributors to Grotke and Prutsch's volume critically reexamine the nineteenth-century "Constitutional Age" to counter established narratives that imply a consistent development from absolutism toward inclusive, participatory democracy. Constitutional histories within and outside of Europe are considered, organized around five themes: constitutions as antirevolutionary devices; constitutions and the justification of new social inequalities; constitutions and the promotion of nationalism; constitutions as instruments of imperialism; and constitutions functioning simultaneously as legal and political texts.

Sunstein, Cass R. 2015. *Constitutional Personae: Heroes, Soldiers, Minimalists, and Mutes*. New York: Oxford University Press. Pp. xviii + 171. \$24.95 cloth.

Sunstein argues that almost every justice of the US Supreme Court can be characterized as one of four *Personae*: "heroes," who are willing to invoke the Constitution to invalidate state or federal legislation and prior Court decisions, often in dramatic fashion; "soldiers," who are skeptical of judicial power and typically defer to the political branches; "minimalists," who favor small steps and incremental change; and "mutes," who prefer to decide cases on narrow grounds or bar controversial cases by denying standing. He concludes that many of the most important constitutional debates have turned on choices made among the four *Personae*—choices that derive as much from psychology as constitutional theory.

Volk, Christian. 2015. *Arendtian Constitutionalism: Law, Politics and the Order of Freedom*. Portland, OR: Hart Publishing. Pp. xviii + 284. \$95.00 cloth.

Volk holds that the philosopher Hannah Arendt was very concerned with the adequate arrangement of law, politics, and order—the "triad of constitutionalism." He argues for an alternative interpretation of Arendt's thought, which sees her as neither the advocate of ancient political forms, such as Aristotelian communitarianism, nor as a subscriber to the discourse-theoretical or agonal reading of her thought. He concludes that Arendt is concerned with the importance of a stable political order in which political struggle and dissent can freely occur.

COURTROOM AS SPACE OF RESISTANCE

Allo, Awol, ed. 2015. *The Courtroom as a Space of Resistance: Reflections on the Legacy of the Rivonia Trial*. Burlington, VT: Ashgate Publishing Company. Pp. ix + 348. \$144.95 cloth.

Allo argues that in what came to be regarded as “the trial that changed South Africa,” Nelson Mandela summed up the spirit of the liberation struggle and the moral basis for the post-Apartheid society, invoking law while undermining it, using it while subverting it, claiming it while defeating it, and opening a political space within the legal. Contributors to this volume return to the Rivonia courtroom to engage with the event, reflecting on its personal, spatial, temporal, performative, and literary dimensions.

COURTS

Schneider, Wendie Ellen. 2015. *Engines of Truth: Producing Veracity in the Victorian Courtroom*. New Haven, CT: Yale University Press. Pp. x + 265. \$85.00 cloth.

During the Victorian era, new laws allowed more witnesses to testify in trials. At the same time, an emerging cultural emphasis on truth telling drove the development of new ways of inhibiting perjury. Drawing on archival research and blending legal, social, and colonial history, Schneider’s examination of the Victorian courtroom charts this period of experimentation and how its innovations shaped contemporary trial procedure with a particular focus on cross-examination, the most enduring product of this time.

CRIMINAL JUSTICE AND SOCIAL CONTROL

Buczowski, Konrad, Beata Czarnecka-Dzialuk, Witold Klaus, Anna Kossowska, Irena Rzeplinska, Paulina Wiktorska, Dagmara Wozniakowska-Fajst, and Dobrochna Wójcik. 2015. *Criminality and Criminal Justice in Contemporary Poland*. Burlington, VT: Ashgate Publishing Company. Pp. vii + 195. \$124.95 cloth.

This volume presents the views of criminologists from central Europe on the phenomenon of criminality as a component of social and political reality. A major focus is on variation in crime-reporting systems, definitions of crimes, and formulations in the criminal codes of the individual European countries.

Channing, Iain. 2015. *The Police and the Expansion of Public Order Law in Britain, 1829–2014*. New York: Routledge/Taylor and Francis. Pp. xix + 252. \$145.00 cloth.

Channing examines key movements in Britain’s social and political history that have engaged in, or have provoked, public disorder. He argues that incidences of public disorder, and the manner in which they have been suppressed, have repeatedly ignited debate on the role of policing and the implications for human rights and civil liberties in Great Britain, often leading to the enactment of legislation that reactively aimed to counter the specific concern of that era.

Chazal, Nerida. 2016. *The International Criminal Court and Global Social Control: International Criminal Justice in Late Modernity*. New York: Routledge/Taylor and Francis. Pp. xii + 162. \$145.00 cloth.

At its genesis, the International Criminal Court was expected to help prevent atrocities by ending the impunity of leaders and administering punishment for the commission of international crimes. More than a decade later, the ICC’s ability to achieve these broad aims has been

questioned, as the ICC has reached only two guilty verdicts, and the United States, Russia, and China have not joined. Chazal considers how gaps between rhetoric and reality arise in the work of the ICC, and concludes that these can be productive as they enable the Court to navigate a complex, international environment driven by geopolitics.

Conley, Robin. 2016. *Confronting the Death Penalty: How Language Influences Jurors in Capital Cases*. New York: Oxford University Press. Pp. xii + 237. \$29.95 cloth.

Drawing on ethnographic and qualitative linguistic methods, fifteen months of fieldwork in diverse counties across Texas, and postverdict interviews with jurors, Conley examines the role of language in capital trials. She analyzes interviews, trial talk, and written legal language to identify the means through which language helps make death penalty decisions possible—how specific linguistic choices mediate and restrict jurors', attorneys', and judges' actions and experiences while serving and reflecting on capital trials. One focus is the linguistic strategies through which jurors must distort, diminish, or negate their face-to-face interactions with defendants in order to sentence them to death.

Fortner, Michael Javen. 2015. *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment*. Cambridge, MA: Harvard University Press. Pp. xii + 350. \$29.95 cloth.

In this analysis of the development of punitive drug laws, Fortner finds that many blacks in New York, faced with economic malaise and rising rates of addiction and crime, blamed addicts and pushers. He argues that by 1973, the outcry from grassroots activists and civic leaders in Harlem calling for drastic measures presented New York's Governor Nelson Rockefeller with an opportunity to crack down on crime and boost his political career, resulting in New York becoming the first state to mandate long prison sentences for selling or possessing narcotics.

Jacobson, Jessica, Gillian Hunter, and Amy Kirby. 2015. *Inside Crown Court: Personal Experiences and Questions of Legitimacy*. Chicago, IL: Policy Press at the University of Bristol, distributed by University of Chicago Press. Pp. vii + 240. \$110.00 cloth.

Within the criminal justice systems of England and Wales, the Crown Court is the arena in which serious criminal offenses are prosecuted. Drawing on interviews and field observations, Jacobson, Hunter, and Kirby examine what it is like to attend court as a victim, a witness, or a defendant; the interplay between the different players in the courtroom; and the extent to which the court process is viewed as legitimate by those involved in it.

Johnson, Devon, Patricia Y. Warren, and Amy Farrell, eds. 2015. *Deadly Injustice: Trayvon Martin, Race, and the Criminal Justice System*. New York: New York University Press. Pp. xv + 353. \$28.00 paper.

Contributors to Johnson, Warren, and Farrell's volume explore how race and racism informs how Americans think about criminality, how crimes are investigated and prosecuted, and how the media interprets and reports on crime, with particular emphasis on the trial of George Zimmerman for the death of Trayvon Martin and on Florida's controversial Stand Your Ground law.

Mariniello, Triestino, ed. 2015. *The International Criminal Court in Search of its Purpose and Identity*. New York: Routledge/Taylor and Francis. Pp. xviii + 287. \$160.00 cloth.

Contributors to Mariniello's collection focus on the procedural and substantive challenges faced by the International Criminal Court (ICC), the first permanent international criminal tribunal. Essays seek to elaborate ways in which the Court may resolve difficulties; to consider the relationship between the ICC and states; and to explore the impact that the new regime of international criminal justice has had on countries where the most serious crimes have been committed.

McCarthy, Lauren A. 2015. *Trafficking Justice: How Russian Police Enforce New Laws, from Crime to Courtroom*. Ithaca, NY: Cornell University Press. Pp. xxv + 276. \$39.95 cloth.

Human trafficking was first criminalized in Russia in 2003; this book explains why Russian police, prosecutors, and judges have mostly ignored the law. Using interview data, participant observation, and an original dataset of 5,500 Russian news articles, McCarthy explores how trafficking cases make their way through the criminal justice system, covering sexual, labor, and child trafficking from 2003–2013. She argues that understanding law enforcement agencies' work on trafficking requires knowing how their "institutional machinery"—the incentives, culture, and structure of their organizations—channels decision making toward familiar routines and practices, leading to a policy of prosecuting traffickers, but not trafficking.

Reiter, Keramet, and Alexa Koenig, eds. 2015. *Extreme Punishment: Comparative Studies in Detention, Incarceration, and Solitary Confinement*. New York: Palgrave Macmillan. Pp. xxiv + 255. \$95.00 cloth.

Contributors to Reiter and Koenig's collection examine the erosion of the legal boundaries that traditionally divide civil detention from criminal punishment. Empirical studies relying on access to "administrative black holes" in Canada, the United Kingdom, and the United States explore how punishers exert power and how the punished experience that power. They conclude that through consolidated administrative power, laws nominally focused on managing risk and preventing harm produce new criminal categories and newly criminalized people among people with mental illness, noncitizen immigrants, and enemy combatants.

Ronner, Amy D. 2015. *Dostoevsky and the Law*. Durham, NC: Carolina Academic Press. Pp. xiii + 308. \$60.00 cloth.

Ronner argues that although Dostoevsky wrote in the nineteenth century, his genius transcends time to shed light on the US justice system and legal doctrines. Ronner examines several of Dostoevsky's works, including *Crime and Punishment*, *The Double*, *Notes from the House of the Dead*, *Demons*, and *Brothers Karamazov*, and finds that they transmit relevant and timely messages about contemporary mental capacity doctrine, confessions, legal system, and prisons.

Unterman, Katherine. 2015. *Uncle Sam's Policemen: The Pursuit of Fugitives Across Borders*. Cambridge, MA: Harvard University Press. Pp. 280. \$35.00 cloth.

Unterman examines the extension of US law enforcement into foreign jurisdictions at the turn of the twentieth century. She finds that by the early 1900s, the United States had extradition treaties with thirty-six nations, more than any other country. US diplomats put pressure on countries that served as extradition havens, particularly in Latin America, and cloak-and-dagger tactics such as the kidnapping of fugitives by Pinkerton detectives were fair game and were explicitly condoned by the US Supreme Court. The result was an informal empire that complemented US military and economic power.

Welch, Michael. 2015. *Escape to Prison: Penal Tourism and the Pull of Punishment*. Oakland, CA: University of California Press. Pp. xiii + 286. \$34.95 paper.

Welch explores ten prison museums on six continents, examining the complex interplay between culture and punishment. He finds that from Alcatraz to the Argentine Penitentiary, museums constructed on the former locations of surveillance, torture, colonial control, and even rehabilitation tell unique tales about the economic, political, religious, and scientific roots of each site's historical relationship to punishment.

Zimring, Franklin E., Máximo Langer, and David S. Tanenhaus, eds. 2015. *Juvenile Justice in Global Perspective*. New York: New York University Press. Pp. ix + 434. \$49.00 cloth.

Contributors to Zimring, Langer, and Tanenhaus's volume examine juvenile justice systems in a range of countries, including China, India, and countries in western Europe and Latin America. They discuss such issues as the relationship between political change and juvenile justice, the variation in types of juvenile systems, the impact of national characteristic differences on outcomes of treatment, and the justification for separate juvenile and criminal courts.

CULTURAL LEGAL STUDIES

Sharp, Cassandra, and Marett Leiboff, eds. 2016. *Cultural Legal Studies: Law's Popular Cultures and the Metamorphosis of Law*. New York: Routledge/Taylor and Francis. Pp. xvii + 304. \$140.00 cloth.

Contributors to Sharp and Leiboff's collection examine how the techniques and practices of cultural legal studies can be used to metamorphose law and the legalities that underpin its popular imaginary. By drawing on three different modes of cultural legal studies—storytelling, technology, and jurisprudence—the collection seeks to showcase the intersectional practices of cultural legal studies, and law in its popular cultural mode.

EQUAL PROTECTION

Richardson Oakes, Anne, ed. 2015. *Controversies in Equal Protection Cases in America: Race, Gender and Sexual Orientation*. Burlington, VT: Ashgate/Lund Humphries Publishing Company Pp. viii + 317. \$149.95 cloth.

Contributors to Oakes's volume pursue an empirical and theoretical examination of equal protection in the United States, focusing on the connections between equal protection jurisprudence; discrimination in its contemporary manifestations; the implications of identity politics; and the moral and political conceptualizations of equality.

FAMOUS TRIALS

Baker, Emerson W. 2015. *A Storm of Witchcraft: The Salem Trials and the American Experience*. New York: Oxford University Press. Pp. xv + 398. \$29.95 cloth.

Baker examines the range of factors in the US Massachusetts Bay colony in the 1690s—including a new charter and government, a lethal frontier war, and religious and political conflicts—that set the stage for the dramatic Salem witch trials. He looks at the key players in the outbreak—the accused witches and the people they allegedly bewitched, as well as the judges and government officials who prosecuted them—and wrestles with questions about why the Salem tragedy unfolded as it did, and why it has become an enduring legacy.

Conforti, Joseph A. 2015. *Lizzie Borden on Trial: Murder, Ethnicity, and Gender*. Lawrence, KS: University Press of Kansas. Pp. xii + 241. \$27.95 cloth.

Many US school kids know that “Lizzie Borden took an axe and gave her mother forty whacks.” Conforti seeks to tell the full story of Borden's actions and trial, and the story behind the story, set in the milieu of late-nineteenth-century Fall River, Massachusetts. He situates Borden's austere household, uneasily balanced between the well-to-do and the poor, within this social and cultural milieu—laying the groundwork for the murder and the trial, as well as the outside reaction that reverberates today.

THE FIELD OF LAW AND SOCIETY

Sarat, Austin, and Patricia Ewick, eds. 2015. *The Handbook of Law and Society*. Maldon, MA: John Wiley and Sons, Inc. Pp. 240. \$24.95 paper.

Contributors to Sarat and Ewick's volume address a wide range of emergent topics in law and society and revisit perennial questions about law in a global world, including the widening gap between codified laws and law in action, problems in the implementation of legal decisions, law's constitutive role in shaping society, the importance of law in everyday life, ways legal institutions both embrace and resist change, the impact of new media and technologies on law, intersections of law and identity, and law's relationship to social consensus and conflict.

GLOBAL DISPUTE RESOLUTION

Hale, Thomas. 2015. *Between Interests and Law: The Politics of Transnational Commercial Disputes*. New York: Cambridge University Press. Pp. xiv + 415. \$125.00 cloth.

Drawing on archival research, Hale gives an historical account of the resolution of commercial disputes at the global level and in the United States, China, and Argentina over the "long" twentieth century. He concludes that the regime—consisting of a hybrid of private arbitral institutions, international treaties, and domestic laws and courts—is highly effective.

HUMAN RIGHTS

Krieger, Heike, ed. 2015. *Inducing Compliance with International Humanitarian Law: Lessons from the African Great Lakes Region*. New York: Cambridge University Press. Pp. xvii + 557. \$150.00 cloth.

Focusing on the African Great Lakes Region, contributors to Krieger's volume consider "hard" and "soft" means of dealing with armed conflicts featuring extreme violence against the civilian population in areas with no or little state authority. Essays consider the potential of persuasion and the role of domestic and international criminal justice, human rights bodies, peace-keeping missions, and the UN Security Council's special compliance system for children and armed conflicts

Löhmus, Katri. 2015. *Caring Autonomy: European Human Rights Law and the Challenge of Individualism*. New York: Cambridge University Press. Pp. xi + 246. \$110.00 cloth.

Despite its absence in the written text of the European Convention on Human Rights, the European Court of Human Rights regularly uses the concept of autonomy when deciding cases concerning assisted dying, sexuality and reproductive rights, self-determination, fulfillment of choices, and control over body and mind. Löhmus argues that the concept of autonomy embodied in these decisions does not sufficiently acknowledge the importance of human interdependence and interpersonal trust and care.

INTERNATIONAL LAW ON THE GROUND

Eslava, Luis. 2015. *Local Space, Global Life: The Everyday Operation of International Law and Development*. New York: Cambridge University Press. Pp. xxi + 351. \$125.00 cloth.

Through an ethnographic study of Bogotá's recent development experience and the city's changing relation to its illegal neighborhoods, Eslava examines the nature of international law and the development project, with a focus on their impact on local spaces and lives at the urban periphery of today's world order.

Klamberg, Mark. 2015. *Power and Law in International Society: International Relations as the Sociology of International Law*. New York: Routledge/Taylor and Francis. Pp. xvi + 182. \$145.00 cloth.

Klamberg explores how international law and its institutions may be relevant and influence the course of international relations in international trade, protection of the environment, human rights, international criminal justice, and the use of force. He concludes that there are two risks to be avoided: assuming that states actually follow international law, and thus overlooking international relations, and discounting the specific rules of international law and assessing the impact of the rules in a superficial manner.

INTERSECTION OF LEGAL SYSTEMS

Wagner, Mark S. 2015. *Jews and Islamic Law in Early 20th-Century Yemen*. Bloomington, IN: Indiana University Press. Pp. xi + 208. \$29.00 paper.

In early twentieth-century Yemen, a sizable Jewish population was subject to sumptuary laws and social restrictions. Jews regularly came into contact with Islamic courts, and Muslim jurists, by choice and by necessity, became embroiled in the most intimate details of their Jewish neighbors' lives. Wagner draws on autobiographical writings to study the careers of three Jewish intermediaries who used their knowledge of Islamic law to manipulate the shari'a for their own benefit and the apparent benefit of their community.

ISSUES IN RESEARCH ON LAW AND BEHAVIOR

Harding, Sandra. 2015. *Objectivity and Diversity: Another Logic of Scientific Research*. Chicago, IL: University of Chicago Press. Pp. xiv + 217. \$75.00 cloth; \$25.00 paper.

Harding argues for a shift from the ideal of a neutral, disinterested science to one that prizes fairness and responsibility. The key questions that such a science would ask include: How are the lives of the most economically and politically vulnerable groups affected by a particular piece of research? Do they have a say in whether and how the research is done? Should empirically reliable systems of indigenous knowledge count as "real science"?

JUDGES AND JUDGING

Garoupa, Nuno, and Tom Ginsburg. 2015. *Judicial Reputation: A Comparative Theory*. Chicago, IL: University of Chicago Press. Pp. xii + 273. \$45.00 cloth.

Garoupa and Ginsburg explore how judges respond to the reputational incentives provided by the different audiences they interact with—lawyers, politicians, the media, and the public itself—and how institutional structures mediate these interactions in legal systems throughout the world. Arguing that judicial structure is best understood not through the lens of legal culture or tradition, but through the economics of information and reputation, they draw on their prior research to identify the effects that governmental interactions, multicourt systems, extrajudicial work, and the international rule-of-law movement have on the reputations of judges.

Posner, Richard A. 2016. *Divergent Paths: The Academy and the Judiciary*. Cambridge, MA: Harvard University Press. Pp. xiv + 414. \$29.95 cloth.

Posner argues that the modern judiciary has several serious deficiencies that academic research and teaching could help to solve or alleviate. In US federal courts, judges confront ever more difficult cases, many involving complex and arcane scientific and technological distinctions,

yet continue to be wedded to legal traditions sometimes centuries old. In response, Posner argues that legal education should be made less theory driven and more compatible with the present and future demands of judging and lawyering.

JUDICIAL INDEPENDENCE

Gee, Graham, Robert Hazell, Kate Malleson, and Patrick O'Brien. 2015. *The Politics of Judicial Independence in the UK's Changing Constitution*. New York: Cambridge University Press. Pp. xi + 293. \$99.00 cloth.

Drawing on interviews with more than 150 judges, politicians, civil servants, and practitioners concerning the major changes introduced by the Constitutional Reform Act 2005 in the United Kingdom, Gee, Hazell, Malleson, and O'Brien seek to understand the day-to-day processes of negotiation and interaction between politicians and judges. They conclude that judicial independence is defined and protected through interactions between judges and politicians; at base, it is a political achievement.

JUDICIAL SELECTION

Kritzer, Herbert. 2015. *Justices on the Ballot: Continuity and Change in State Supreme Court Elections*. New York: Cambridge University Press. Pp. xii + 297. \$99.99 cloth.

Drawing on data on every state supreme court election in the United States between 1946 and 2013, Kritzer analyzes voting returns, campaign contributions and expenditures, and television advertising, and presents illustrative case studies to argue that elections have become less politicized than commonly believed. Rather, he finds that the changes that have occurred in these elections reflect broader trends in US politics, as well as increased involvement of state supreme courts in hot-button issues.

JURISPRUDENCE AND SOCIOLEGAL THEORY

Cornell, Drucilla, and Nick Friedman. 2016. *The Mandate of Dignity: Ronald Dworkin, Revolutionary Constitutionalism, and the Claims of Justice*. New York: Fordham University Press. Pp. xii + 132. \$28.00 paper.

Cornell and Friedman turn to Kant and Hegel for an approach better able to ground the principles of dignity advocated by Ronald Dworkin. Framed thus, Dworkin's challenge to legal positivism enables a theory of constitutional revolution in which existing legal structures are transformatively revalued according to ethical mandates. By founding law on dignity, Dworkin begins to articulate an ethical jurisprudence responsive to the lived experience of injustice.

LAW AND ABORTION

Williams, Daniel K. 2016. *Defenders of the Unborn: The Pro-Life Movement Before Roe v. Wade*. New York: Oxford University Press. Pp. xiv + 336. \$29.95 cloth.

Drawing on archival research, Williams argues that the pro-life movement in the United States began as a liberal crusade for human rights. He finds that before *Roe v. Wade*, one of New York City's most vocal prolife advocates was a minister known for his civil rights activism and his protests against the Vietnam War, and that the language with which prolife champions championed their cause was that of civil rights crusaders, defending the inalienable right of a defenseless minority to life.

LAW AND COMPENSATION FOR INJURY

Barnes, Jeb, and Thomas F. Burke. 2015. *How Policy Shapes Politics: Rights, Courts, Litigation, and the Struggle Over Injury Compensation*. New York: Oxford University Press. Pp. xiii + 256. \$39.95 cloth.

Examining injury compensation in the United States, Barnes and Burke find that litigation generates a fractious, chaotic politics in which even seeming allies can become divided among themselves. By contrast, they argue that social insurance programs that compensate for injury bring social interests together, narrowing the scope of conflict and producing a more technocratic politics. More broadly, the authors seek to speak to the consequences of the increasingly prominent role of courts, litigation, and legal rights in politics.

Daniels, Stephen, and Joanne Martin. 2015. *Tort Reform, Plaintiff's Lawyers, and Access to Justice*. Lawrence, KS: University Press of Kansas. Pp. xxiii + 257. \$37.50 cloth.

Drawing on more than twenty years of research, Daniels and Martin explore the negative effects of the tort and medical malpractice reform movements in Texas on the ability of plaintiffs to obtain judgments. The book includes an analysis of the history and economics of the plaintiffs' bar, including how lawyers select cases and clients, and the use of the referral process.

Mitchell, Paul. 2015. *A History of Tort Law 1900–1950*. New York: Cambridge University Press. Pp. xviii + 366. \$120.00 cloth.

Mitchell examines the history of British tort (i.e., accident) law in the first part of the last century, focusing on underlying assumptions about the operation of society, the function of tort law, and the roles of those involved in legal changes. He considers the legal and social contexts in which some landmark decisions were given and identifies patterns of influence and power at work behind statutory reform initiatives.

LAW AND DECEPTION

Sarat, Austin, ed. 2015. *Law and Lies: Deception and Truth-Telling in the American Legal System*. New York: Cambridge University Press. Pp. xi + 331. \$110.00 cloth.

Sarat notes that although law sometimes takes a hard line on behalf of truth—"the truth, the whole truth, and nothing but the truth"—competing values often cause law to look the other way. Among other questions, contributors to this volume consider how and why lying is alternately accepted, condemned, or prosecuted, and what the government's interests are in allowing or disallowing it.

LAW AND EDUCATION

Ross, Catherine J. 2015. *Lessons in Censorship: How Schools and Courts Subvert Students' First Amendment Rights*. Cambridge, MA: Harvard University Press. Pp. 356. \$39.95 cloth.

Ross examines disputes that have erupted in US schools and courts over civil rights, war and peace, rights for LGBTs, abortion, immigration, evangelical proselytizing, sexting, and the Confederate flag. She finds that over the past forty years, the Supreme Court has moved from the celebration of free expression to a focus on order and authority, and that the failure of schools to respect civil liberties betrays their educational mission and threatens democracy.

LAW AND THE ENVIRONMENT

Kanazawa, Mark. 2015. *Golden Rules: The Origins of California Water Law in the Gold Rush*. Chicago, IL: University of Chicago Press. Pp. xvii + 351. \$55.00 cloth.

Kanazawa draws on historical sources to trace the emergence of the current US framework for resolving water-rights issues to issues raised during the California Gold Rush of the 1850s. He argues that by understanding how laws developed across California's mining camps and common law courts, we can gain a better sense of the challenges associated with adopting new property-rights regimes in the twenty-first century.

LAW AND FAMILY RELATIONSHIPS

Baumle, Amanda K., and D'Lane R. Compton. 2015. *Legalizing LGBT Families: How the Law Shapes Parenthood*. New York: NYU Press. Pp. xii + 297. \$45.00 cloth.

Through in-depth interviews with 137 US parents who are lesbian, gay, bisexual, or transgender, Baumle and Compton examine the role of the law in their lives and how individuals use the law when making decisions about family formation or parenting. They focus on the ways LGBT parents participate in the process of constructing legality through accepting, modifying, or rejecting legal meanings about their families.

Franke, Katherine. 2015. *Wedlocked: The Perils of Marriage Equality*. New York: New York University Press. Pp. xi + 275. \$35.00 cloth.

Franke compares today's same-sex marriage movement to the experiences of newly emancipated black people in the mid-nineteenth century, when they were first able to legally marry. She relates stories of former slaves' involvements with marriage that lead her to conclude that the rights-bearing subject is inevitably shaped by the very rights they bear, often in ways that reinforce racialized gender norms and stereotypes.

LAW AND GLOBALIZATION

Farran, Sue, James Gallen, Jennifer Hendry, and Christa Rautenbach, eds. 2015. *The Diffusion of Law: The Movement of Laws and Norms Around the World*. Burlington, VT: Ashgate Publishing Co. Pp. xvi + 239. \$124.95 cloth.

Contributors to Farran, Gallen, Hendry, and Rautenbach's volume seek to contribute to the wider theoretical debate concerning the movement of law and legal norms globally, through examination of concrete examples of legal diffusion in jurisdictions as diverse as Albania, the Czech Republic, Poland, and Kuwait.

LAW AND IMMIGRATION

Barsky, Robert F. 2016. *Undocumented Immigrants in an Era of Arbitrary Law: The Flight and the Plight of People Deemed "Illegal"*. New York: Routledge/Taylor and Francis. Pp. xviii + 202. \$130.00 cloth.

Drawing on a broad array of academic studies, Barsky argues that in many countries, many actions that are taken against undocumented migrants are arbitrary—exercised by officials who can and do exercise considerable discretion, both positive and negative. These decisions are complicated by a situation where the migrant's pathway into, and inside of, the host country is

strewn with language issues relating to intercultural communication, interpretation, gossip, hearsay, and the challenges of peddling linguistic wares in the social discourse marketplace.

Kawar, Leila. 2015. *Contesting Immigration Policy in Court: Legal Activism and its Radiating Effects in the United States and France*. New York: Cambridge University Press. Pp. xvi + 210. \$110.00 cloth.

Kawar examines the constitutive role of law in immigration policy making, contrasting the legal frames, narratives, and performances forged through action in court in the United States and France. Challenging the conventional wisdom that “cause litigation” has little long-term impact on policy making unless it produces broad rights-protective principles, she argues that legal contestation can have important radiating effects on policy by reshaping how political actors approach immigration issues.

Lawrance, Benjamin N., and Galya Ruffer, eds. 2015. *Adjudicating Refugee and Asylum Status: The Role of Witness, Expertise, and Testimony*. New York: Cambridge University Press. Pp. xvi + 263. \$99.00 cloth.

Contributors to Lawrance and Ruffer’s volume examine the increasing dependence on expertise in the asylum and refugee status determination process. They focus on the relevance of experts, as mediators of culture, who are called on to corroborate, substantiate credibility, and serve as translators in the face of confusing legal standards that require new forms of proof, placing a high burden on asylum seekers.

Parker, Kunal M. 2015. *Making Foreigners: Immigration and Citizenship Law in America, 1600–2000*. New York: Cambridge University Press. Pp. xii + 259. \$24.99 paper.

In this broad look at the history of US immigration and citizenship law, Parker joins the histories of immigrants to those of Native Americans, African Americans, women, Asian Americans, Latino/a Americans, and the poor. He argues that during the seventeenth century, being legally constructed as a foreigner, along with being subjected to restrictions on presence and movement, was not confined to those who sought to enter the country from the outside. He finds that only fairly recently has the legal subject we recognize as the immigrant emerged.

LAW AND INTELLECTUAL PROPERTY

Silbey, Jessica. 2015. *The Eureka Myth*. Palo Alto, CA: Stanford University Press. Pp. xi + 356. \$85.00 cloth.

Silbey examines the intersections between intellectual property law and creative and innovative activity by centering on stories told by artists, scientists, their employers, lawyers, and managers, describing how and why they create and innovate and whether or how IP law plays a role in their activities. Their employers, business partners, managers, and lawyers also describe their role in facilitating creative and innovative work. She concludes that the relationship between creativity and intellectual property protection is often misunderstood.

LAW AND LANGUAGE

Appadurai, Arjun. 2015. *Banking on Words: The Failure of Language in the Age of Derivative Finance*. Chicago, IL: University of Chicago Press. Pp. viii + 180. \$22.50 paper.

Appadurai argues that the economic collapse of 2008—while spurred on by greed and other factors—was, ultimately, a failure of language. Focusing on financial derivatives as the core vehicle—and the fact that derivatives can be based on the promise that other promises will be broken—he draws on thinkers such as J. L. Austin, Marcel Mauss, and Max Weber to showcase the ways language paved the way for ruin.

LAW AND LITERATURE

Walton, John. 2015. *The Legendary Detective: The Private Eye in Fact and Fiction*. Chicago, IL: University of Chicago Press. Pp. x + 219. \$25.00 cloth.

Walton offers a sweeping history of the US private detective in reality and myth, from the earliest agencies to the hard-boiled heights of the 1930s and 1940s. Drawing on previously untapped archival accounts of actual detective work, Walton traces both the growth of major private detective agencies and the motley, unglamorous work of small-time operatives. He then goes on to show us how writers fashioned an image of the PI as a compelling, even admirable, necessary evil, doing society's dirty work while adhering to a self-imposed moral code.

LAW AND MEDICINE

Edozien, Leroy C. 2015. *Self-Determination in Health Care: A Property Approach to the Protection of Patient's Rights*. Burlington, VT: Ashgate Publishing Co. Pp. x + 291. \$124.95 cloth.

Edozien argues that the generally accepted method of ensuring self-determination by medical patients—that of securing the patient's consent—is ineffective. He argues instead for a property model, where the patients' bodily integrity is protected from unauthorized invasion, and their legitimate expectation to be provided with the relevant information to make an informed decision is taken to be a property right.

Harper, Ian, Tobias Kelly, and Akshay Khanna, eds. 2015. *The Clinic and the Court: Law, Medicine and Anthropology*. New York: Cambridge University Press. Pp. viii + 305. \$110.00 cloth.

Using empirical case studies from Europe, the Americas, and Africa, contributors to Harper, Kelly, and Khanna's volume feature medical and legal anthropologists exploring the question of where law and medicine converge and diverge in their responses to and understandings of harm and suffering.

Vollmann, Jochen, Verena Sandow, Sebastian Wäscher, and Jan Schildmann, eds. 2015. *The Ethics of Personalised Medicine: Critical Perspectives*. Burlington, VT: Ashgate Publishing Company. Pp. xxviii + 285. \$124.95 cloth.

Contributors to this volume—who include researchers from across Europe and North America, from both normative and empirical disciplines—present a multidisciplinary debate on the current state of research on the ethical, legal, and social implications of personalized medicine.

LAW AND PROPERTY

Barr, Warren, ed. 2015. *Modern Studies in Property Law*, Vol 8. Portland, OR: Hart Publishing. Pp. x + 382. \$138.00 cloth.

Papers presented at the tenth biennial "Modern Studies in Property Law" conference held at the University of Liverpool consider such topics as property in the information age and the contribution of property law to issues of the home, health, and death.

LAW AND RACE

Gonda, Jeffrey D. 2015. *Unjust Deeds: The Restrictive Covenant Cases and the Making of the Civil Rights Movement*. Chapel Hill, NC: University of North Carolina Press. Pp. x + 299. \$34.95 cloth.

Gonda explores the origins and complex legacies of *Shelley v. Kraemer* (1948), a US Supreme Court case that voided deed restrictions that prohibited African Americans from owning homes in white neighborhoods. A major focus of the book is an examination of the simultaneously personal, local, and national dimensions of legal activism in the twentieth century.

Levitt, Jeremy I., ed. 2015. *Black Women and International Law: Deliberate Interactions, Movements, and Actions*. New York: Cambridge University Press. Pp. xx + 339. \$99.00 cloth.

Levitt's collection examines the complex interactions—as subjects and objects—between black women and international law. Contributors seek to highlight the historic and contemporary ways black women have influenced and been influenced by transnational law, doctrine, norms, jurisprudence, public policy, public discourse, and global governance.

LAW AND RELIGION

Foblets, Marie-Claire, Marie-Claire Foblets, Katayoun Alidadi, Jorgen S. Nielsen, and Zeynep Yanasmayan, eds. 2014. *Belief, Law and Politics: What Future for a Secular Europe?* Burlington, VT: Ashgate Publishing Co. Pp. Xx + 290. \$134.95 cloth.

This collection gathers together the principal findings of the three-year RELIGARE project, which dealt with the question of religious and philosophical diversity in European law regarding employment, family life, use of public space, and state support mechanisms. The book consists of two main parts: the principal findings of the project and short commentaries by scholars and practitioners.

Ramsey, Kate. 2015. *The Spirits and the Law: Vodou and Power in Haiti*. Chicago, IL: University of Chicago Press. Pp. xix + 425 \$30.00 paper.

Ramsey argues that Haiti banned Vodou practices from 1835 to 1987 in an effort to counter the image of Haiti as primitive and also to contain popular organization and leadership. She finds that these laws, while not often strictly enforced, reinforced the political marginalization, social stigmatization, and economic exploitation of the Haitian majority. At the same time, she examines the ways communities across Haiti evaded, subverted, redirected, and shaped enforcement of the laws. She concludes that contrary to conventional wisdom, religion has not impeded Haiti's development.

Sullivan, Winnifred Fallers, Elizabeth Shakman Hurd, Saba Mahmood, and Peter G. Danchin, eds. 2015. *Politics of Religious Freedom*. Chicago, IL: University of Chicago Press. Pp. ix + 350. \$35.00 paper.

Contributors to this volume seek to unsettle the assumptions that religious freedom is a singular achievement and that current problems are rooted in its incomplete accomplishment. Together, the contributions argue that the reasons for persecution are more varied and complex than is widely acknowledged, and that the promotion of a single legal and cultural tool to address conflict across a wide variety of cultures can have perverse effects.

LAW AND SEXUALITY

Levmore, Saul, and Martha Craven Nussbaum, eds. 2014. *American Guy: Masculinity in American Law and Literature*. New York: Oxford University Press. Pp. x + 329. \$69.00 cloth.

Contributors to Levmore and Nussbaum's collection explore US norms of masculinity and their role in the law. One set of papers focuses on the heroic nonconformists and rugged individualists who populate the work of Hemingway, Dreiser, and others, while a second set considers countertraditions of masculinity.

LAW AND SLAVERY

Blanck, Emily. 2014. *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts*. Athens, GA: University of Georgia Press. Pp. xv + 217. \$49.95 cloth.

In 1779, thirty-four South Carolina slaves escaped aboard a British privateer and survived several naval battles until the Massachusetts brig *Tyrannicide* led them to Massachusetts. Over the next four years, the slaves became the center of a legal dispute between the two states. Blanck argues that the legal and political battles that resulted from the affair reveal much about revolutionary ideals and states' rights at a time when notions of the New Republic—and philosophies about the unity of US states—were being created.

Richards, Leonard L. 2015. *Who Freed the Slaves?: The Fight Over the Thirteenth Amendment*. Chicago, IL: University of Chicago Press. Pp. x + 306. \$30.00 cloth.

Richards tells the story of legislative process behind the Thirteenth Amendment, which abolished slavery in the United States, and of James Ashley, the unsung Ohio congressman who proposed the amendment and steered it to passage. Taking readers to the floor of Congress and the back rooms where deals were made, Richards seeks to bring to life “the messy process of legislation,” concluding that, contrary to popular belief, President Lincoln was not an enthusiastic supporter.

LAW AND SOCIAL CHANGE

Rodriguez-Garavito, Cesar, and Diana Rodriguez-Franco. 2015. *Radical Deprivation on Trial: The Impact of Judicial Activism on Socioeconomic Rights in the Global South*. New York: Cambridge University Press. Pp. xiv + 219. \$110.00 cloth.

Rodriguez-Garavito and Rodriguez-Franco illustrate a comparative framework for understanding constitutional innovations in the Global South, via a detailed study of the Colombian Constitutional Court's structural injunction affecting the rights of over 5 million internally displaced people in Colombia, and its implementation process. Although the ruling (known as T-025) was handed down in 2004, its monitoring process continues to this day. The book traces the case's evolution over the last ten years from its origin to its effects on law, policy, politics, and public opinion.

LAW AND WAR

Kushner, Barak. 2015. *Men to Devils, Devils to Men: Japanese War Crimes and Chinese Justice*. Cambridge, MA: Harvard University Press. Pp. 403. \$45.00 cloth.

The Japanese Army committed numerous atrocities during its campaigns in China from 1931 to 1945. When the Chinese emerged victorious with the Allies at the end of the war, they chose to deal with their former enemy through legal and diplomatic means. Focusing on the trials of Japanese war criminals in the postwar period, Kushner analyzes the complex political maneuvering between China and Japan that shaped East Asian realpolitik during the Cold War.

LAW AND WOMEN

Maranlou, Sahar. 2015. *Access to Justice in Iran: Women, Perceptions, and Reality*. New York: Cambridge University Press. Pp. xii + 263. \$99.00 cloth.

Maranlou examines the historical development of the justice sector in Iran, exploring the legal empowerment of users, with a specific focus on women. She presents the findings of a survey study on the perceptions of Iranian women focusing on such issues as familiarity with legal

procedure, perceptions of cultural barriers, and factors that influence preference for mechanisms of formal or alternative dispute solutions.

LEGAL PLURALISM

Parmar, Pooja. 2015. *Indigeneity and Legal Pluralism in India: Claims, Histories, Meanings*. New York: Cambridge University Press. Pp. xiii + 241. \$99.99 cloth.

Parmar focuses on the role of indigeneity in the widely publicized controversy over a Coca-Cola bottling facility in Kerala, India. Juxtaposing popular, legal, and Adivasi narratives, she examines how meanings are gained and lost through translation of complex claims into the languages of social movements and formal legal systems. She includes the perspectives of the diverse range of actors involved, based on interviews with members of Adivasi communities, social activists, bureaucrats, politicians, lawyers, and judges.

Shahar, Ido. 2015. *Legal Pluralism in the Holy City: Competing Courts, Forum Shopping, and Institutional Dynamics in Jerusalem*. Burlington, VT: Ashgate Publishing Co. Pp. xiv + 225. \$124.95 cloth.

Drawing on participant observation and textual and legal analyses, Shahar describes and analyzes a lively shari'a court in contemporary West Jerusalem, which belongs to the Israeli legal system but serves Palestinian residents of the eastern part of the city. A major focus is the intertwined jurisdictional, organizational, and humanitarian issues facing the court, including the intersection of the court with non-Israeli Palestinian and Jordanian shari'a courts in East Jerusalem.

LEGAL PROFESSION

Batlan, Felice. 2015. *Women and Justice for the Poor: A History of Legal Aid, 1863–1945*. New York: Cambridge University Press. Pp. xv + 232. \$94.99 cloth; \$32.99 paper.

Batlan argues that when male lawyers founded legal aid societies in the United States, they created an imagined history of legal aid and a blueprint for its future in which groundbreaking prior work by women played no role and women's accomplishments were intentionally omitted. In response, women social workers offered harsh criticisms of legal aid leaders and developed a more robust social work model of legal aid. These different models produced conflicting understandings of expertise, professionalism, the rule of law, and, ultimately, the meaning of justice for the poor.

Hollis-Brusky, Amanda. 2015. *Ideas with Consequences: The Federalist Society and the Conservative Counterrevolution*. New York: Oxford University Press. Pp. vii + 264. \$22.95 cloth.

Drawing from a large trove of documents, transcripts, and interviews, Hollis-Brusky examines how the Federalist Society revolutionized US jurisprudence for a wide variety of important legal issues—for example, the extent of federal government power, the scope of the right to bear arms, and the parameters of corporate political speech—which had long been considered settled. She finds that the Society serves as a credentialing institution for conservative lawyers and judges, legitimizes novel interpretations of the constitution that employ a conservative framework, and provides a judicial audience of like-minded peers, which mitigates the well-documented phenomenon of conservative judges turning moderate after years on the bench.

REGULATION

Baradaran, Mehrsa. 2015. *How the Other Half Banks: Exclusion, Exploitation, and the Threat to Democracy*. Cambridge, MA: Harvard University Press. Pp. 328. \$29.95 cloth.

Baradaran argues that as a result of 1970s deregulation in the United States, banks have abandoned low-income consumers, forcing them to rely on payday lenders and check-cashing services. She holds that given that the US banking system was originally created as a public service, and that banks have always relied on credit from the federal government, in response to this situation the US Post Office should recover its historic function of providing bank services.

Christophers, Brett. 2016. *The Great Leveler: Capitalism and Competition in the Court of Law*. Cambridge, MA: Harvard University Press. Pp. 348. \$45.00 cloth.

Drawing on his study of the development of US and British capitalist economies from the late nineteenth century to the present, Christophers argues that law has caused capitalism to maintain its needed balance between competition and monopoly. When monopolistic forces become dominant, antitrust law steps in to discourage the growth of giant corporations and restore competitiveness. When competitive forces become dominant, intellectual property law steps in to protect corporate assets and encourage investment.

Fischel, William A. 2015. *Zoning Rules! The Economics of Land Use Regulation*. Cambridge, MA: Lincoln Institute of Land Policy. Pp. xiv + 416. \$30.00 cloth.

Fischel argues that despite some advantages to zoning in the United States, it contributes to suburban sprawl, entrenches income and racial segregation, retards regional immigration to the most productive cities, adds to national wealth inequality, and slows the growth of the economy. He calls for approaches that would moderate voters' demand for local land-use regulation—by, for example, curtailing federal tax subsidies to owner-occupied housing.

Hodges, Christopher. 2015. *Law and Corporate Behaviour: Integrating Theories of Regulation, Enforcement, Compliance and Ethics*. Portland, OR: Hart Publishing. Pp. xxix + 800. \$138.00 cloth.

Hodges analyzes various European regulatory structures—including financial services, civil aviation, pharmaceuticals, and workplace health/safety—where behavioral techniques can be seen or could be applied. His key finding is that enforcement has to focus on identifying the causes of noncompliance so as to be able to support improved performance, rather than be based on fear motivating complete compliance. He concludes that compliance will be maximized under a holistic model that combines public controls with internal corporate systems and external influences by stakeholders, held together by a unified core of ethical principles.

Lambert, Jeremiah D. 2015. *The Power Brokers: The Struggle to Shape and Control the Electric Power Industry*. Cambridge, MA: MIT Press. Pp. xiv + 379. \$29.95 cloth.

Focusing on the careers of seven key industry players, Lambert analyzes the capture of government regulators by investor-owned electric utilities. He argues that the power industry has sought to use regulatory change to preserve or secure market dominance, and that rogue players have gamed imperfectly restructured electricity markets.

Lange, Bettina, Fiona Haines, and Dania Thomas, eds. 2015. *Regulatory Transformations: Rethinking Economy-Society Interactions*. Portland, OR: Hart Publishing. Pp. xi + 260. \$103.00 cloth.

Contributors to this volume in the Onati International Series in Law and Society engage the idea of regulating transnational risk through a social sphere, recognizing the embeddedness of economic transactions within a social and political landscape. The volume seeks to integrate three areas of scholarship: Karl Polanyi's economic sociology, regulation studies, and sociolegal studies of transnational hazards.

Peel, Jacqueline, and Hari M. Osofsky. 2015. *Climate Change Litigation: Regulatory Pathways to Cleaner Energy*. New York: Cambridge University Press. Pp. xv + 352. \$99.00 cloth.

Drawing primarily on lawsuits in the United States and Australia, which have the largest amount of climate change litigation, Peel and Osofsky examine the lawsuits' influence on regulation directly, as well as on how they shape corporate behavior and public opinion. A major focus is on developing an understanding of how these lawsuits have shaped approaches to mitigation and adaptation, and have been used to try to force and to block regulation.

RIGHTS

Golder, Ben. 2015. *Foucault and the Politics of Rights*. Palo Alto, CA: Stanford University Press. Pp. xi + 246. \$24.95 paper.

This book focuses on Michel Foucault's late work on rights in order to address broader questions about the politics of rights in the contemporary era. In his early career, Foucault had been a great critic of the liberal discourse of rights. Then, from about 1976 onward, he made increasing appeals to rights in his philosophical writings, political statements, interviews, and journalism. Golder argues that Foucault approaches rights in a spirit of creative and critical appropriation, using rights strategically for a range of political purposes that cannot be reduced to a simple endorsement of political liberalism.

RULE OF LAW

Jones, Carol A. G. 2015. *Lost in China? Law, Culture and Identity in Post-1997 Hong Kong*. New York: Cambridge University Press. Pp. ix + 268. \$110.00 cloth.

Jones recounts the tension between rule-of-law views in Hong Kong and China. She argues that successive interventions by Beijing in Hong Kong's legal and political affairs have given rise to fears about the loss of the rule of law and loss of identity, and have provoked mass street demonstrations, including the "Umbrella Revolution" of 2014. But she also finds that Hong Kongers have been able to use less explicit arts of resistance to maintain their identity.

Merry, Sally Engle, Kevin E. Davis, and Benedict Kingsbury, eds. 2015. *The Quiet Power of Indicators: Measuring Governance, Corruption, and Rule of Law*. New York: Cambridge University Press. Pp. xiv + 353. \$95.00 cloth; \$34.99 paper.

Contributors to Merry, Davis, and Kingsbury's volume use a power-knowledge framework to examine how major global indicators of legal governance are produced, disseminated, and used, and to what effect. Original case studies include such indicators as Freedom House's Freedom in the World indicator, the Global Reporting Initiative's structure for measuring and reporting on corporate social responsibility, the World Justice Project's measurement of the rule of law, and the World-Bank-supported Worldwide Governance Indicators.

STATE AND NONSTATE LAW

Helfand, Michael A., ed. 2015. *Negotiating State and Non-State Law: The Challenge of Global and Local Legal Pluralism*. New York: Cambridge University Press. Pp. x + 351. \$99.00 cloth.

Contributors to Helfand's volume address the relationship between the nation-state and various forms of nonstate law, considering whether and to what extent state and nonstate law can

coexist and how each form of law seeks to influence as well as transform the other. They analyze two broad categories of nonstate law: law above the state—legal systems that function across the territorial borders—and law below the state—the various forms of local customary, religious, and indigenous law.

TOCQUEVILLE AND THE LAW

Butterfield, Kevin. 2015. *The Making of Tocqueville's America: Law and Association in the Early United States*. Chicago, IL: University of Chicago Press. Pp. viii + 311. \$40.00 cloth.

Pursuing Tocqueville's observation that Americans were "forever forming associations," Butterfield argues that the first generations of US citizens found in the concept of membership a mechanism to balance the tension between collective action and personal autonomy, something they accomplished by emphasizing law and procedural fairness. He concludes that Tocqueville was wrong to see associations as the training ground for democracy, where people learned to honor one another's voices and perspectives. Rather, they were the training ground for another key element of the US democratic experiment: increasingly formal and legalistic relations among people.

TRANSFORMATION OF LEGAL SYSTEMS

Jaffe, James. 2015. *Ironies of Colonial Governance: Law, Custom and Justice in Colonial India*. New York: Cambridge University Press. Pp. xii + 315. \$99.00 cloth.

Jaffe traces the history of the Indian village council, or panchayat, and the attempts to adapt it to colonial governance, from British attempts to introduce a system of panchayat governance during the early nineteenth century, through later colonial administrations and the early nationalist movement. He pays particular attention to the ways the ideologies of panchayat governance evolved during this period and to the transnational exchange and circulation of panchayat ideologies.

Kuklik, Jan. 2015. *Czech Law in Historical Contexts*. Chicago, IL: University of Chicago Press. Pp. 239. \$30.00 paper.

Kuklik traces the development of Czech law from its origins as a form of Slavic law to its current position, with a particular focus on the consequences of the establishment of an independent Czechoslovakia in 1918 and its split in 1993 into the Czech Republic and the Slovak Republic. He concludes that with its periods of democratic and totalitarian regimes, and major political, ideological, economic, and social changes, twentieth-century Czech law allows the study of the transition of democratic legal systems into totalitarian regimes, and vice versa.

Meshal, Reem A. 2014. *Sharia and the Making of the Modern Egyptian: Islamic Law and Custom in the Courts of Ottoman Cairo*. New York: Oxford University Press. Pp. xi + 290. \$75.00 cloth.

Meshal examines official documents of the Ottoman Islamic courts to understand how sharia law, society, and the economy of sixteenth- and seventeenth-century Ottoman Cairo related to the practice of custom in determining rulings. In the sixteenth century, a new legal and cultural orthodoxy fostered the development of an early-modern Islam that broke new ground, giving rise to a new concept of the citizen and his role, leading, she finds, to a decline in custom as a source of authority.

TRANSITIONAL JUSTICE

Palmer, Nicola Frances. 2015. *Courts in Conflict: Interpreting the Layers of Justice in Post-Genocide Rwanda*. New York: Oxford University Press. Pp. xiv + 224. \$85.00 cloth.

Drawing on eighty-two interviews with judges, lawyers, and a group of witnesses and suspects within all three of the postgenocide courts in Rwanda, Palmer finds that the judges and lawyers inside each of the courts offer notably different interpretations of Rwanda's transitional justice processes, illuminating divergent legal cultures that help explain the constraints on the courts' effective cooperation and evidence gathering. The potential for similar competition between domestic and international justice processes is apparent in the current practice of the International Criminal Court (ICC).

Stan, Lavinia, and Nadya Nedelsky, eds. 2015. *Post-Communist Transitional Justice: Lessons from Twenty-Five Years of Experience*. New York: Cambridge University Press. Pp. xvi + 340. \$99.99 cloth.

Taking stock of the twenty-fifth anniversary of the collapse of the communist regimes of central and eastern Europe, contributors to Stan and Nedelsky's volume explore the ways these societies have grappled with the human rights violations of past regimes, focusing on the factors that have shaped the nature, speed, and sequence of transitional justice programs.

US SUPREME COURT

Moke, Paul. 2015. *Earl Warren and the Struggle for Justice*. Lanham, MD: Rowman & Littlefield. Pp. xiv + 361. \$110.00.

Moke's biography of the late US Supreme Court Chief Justice Earl Warren explores the tension among his Progressive vision of ethical and effective government and leadership on the Court; his actions in his prior years in California state government with respect to, for example, the internment of Japanese Americans during World War II; and his controversial service as Chair of the Warren Commission on the Assassination of President Kennedy.

Peppers, Todd C., and Clare Cushman, eds. 2015. *Of Courtiers & Kings*. Charlottesville: University of Virginia Press. Pp. x + 426. \$34.95 cloth.

Peppers and Cushman present vignettes relating to clerking on the US Supreme Court, ranging from reflections on how serving as clerks impacted the careers of such justices as Stephen Breyer, Elena Kagan, William Rehnquist, John G. Roberts Jr., and John Paul Stevens, to discussions of how various justices selected and used their clerks, to personal recollections written by parents and children who have both served as Supreme Court clerks.