

Asian Legal Revivals: Lawyers in the Shadow of Empire. By Yves Dezalay and Bryant Garth. Chicago: University of Chicago Press, 2010. 304 pp. \$27.50 paper.

Reviewed by Tom Ginsburg, University of Chicago Law School

In *Asian Legal Revivals*, Dezalay and Garth turn their powerful Bourdieuan analytic lens to a new region of the world. The book reflects many of the themes developed in their 2002 book, *The Internationalization of the Palace Wars*, which concerned the contests for epistemic and material power in Latin America. These themes include the importance of colonial legacies, the deployment of family capital across generations, and the state as a site of contestation among professional fields. The players in this contest are knowledges (law, economics, administration) but are also families, professions, and networks. Their story traces how particular groups seek to advance law as a legitimating device, succeeding to various degrees in different Asian post-colonial contexts. Throughout, they emphasize the dual nature of law, the so-called “double game” in which law both serves empire and facilitates resistance to it; lawyers advance a conceptual distinction between politics and markets that benefits them materially and symbolically.

The book reflects a deeply external point of view on law in Asia, as captured by the use of “Empire” in the title. Law is conceived of as purely colonial in origin. Unusually, for a book on Asian law, there is no attempt to grapple with indigenous traditions of law and politics, which are sidestepped in part through case selection. Indeed, the authors refer to the colonial encounter as the “geneses of law” in Asia (p. 2), implicitly de-centering the legacies of robust pre-colonial Chinese and Japanese legal traditions.

Instead, the case studies focus on seven former colonies: Hong Kong, India, Indonesia, Malaysia, the Philippines, Singapore, and South Korea. Four of these, of course, were British colonies, and there is a good deal of weight put on the American colony of the Philippines, foreshadowing broader American regional influence during the Cold War. (The former French colonies of Indochina are omitted.)

The book begins by tracing the history of law in European state-building, beginning in Renaissance Italy, and the colonial export of these models. A chapter on the Philippines highlights America’s reluctant “anti-imperialist” imperialism. In the countries with the longest encounter with Anglo-American colonialism, India and the Philippines, law became deeply embedded in the state and administration. In contrast, where colonial histories were weaker, so was law, but this did not prevent some lawyer-leaders from

leading independence movements. The authors see South Korea as somewhat exceptional, presumably because of the weak position of law in colonial Japan.

The Cold War is crucial in their account, for it saw the displacement of legal elites at the hands of economist-technocrats in Indonesia and South Korea. In the Philippines and Singapore, in contrast, lawyers played a role in constructing authoritarian regimes. In India and Malaysia, lawyers and judges resisted, with differing degrees of success, efforts to construct developmental states. (They did so as well in South Korea in the 1960s, but were wholly unsuccessful.) In the post-Cold-War era, lawyers become bastions of resistance to authoritarianism, successfully transforming their legal capital to the demands of a new era of democratization.

The overall story is a cyclical one, in which the Philippines and India are paradigm cases. Lawyers accumulate social capital in the colonial era. In the independence era, lawyers can profit from their accumulated capital but also are in contest with other competitors. They then seek to rebuild, investing their capital in political morality of liberalism. Law has no necessary relationship with any ideology, but adjusts its particular role to advance its own legitimacy, serving the interests of its practitioners.

The Dezalay and Garth method is not conventional positivist social science. There is little discussion of case selection, nor is it clear that the evidence is evaluated in a systematic way so that the claims are falsifiable. Instead, theirs is a kind of analytic narrative of particular histories—of individuals, groups, and states—set into a broader macro-historical framework. Scholars of particular countries will find the accounts maddeningly brief, and will wonder about the representativeness of some of the particular examples, but will also find new and sometimes provocative insights from the creativity of Dezalay and Garth's overall analysis. The book's contribution is interpretive, allowing us to understand law in Asia as part of global processes. It provides an important lens that helps make sense of distinct developments in particular times and places. Law, in Asia and elsewhere, is part of the contested construction of state power.

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Intersexuality and the Law: Why Sex Matters. By Julie A. Greenberg.
New York: New York University Press, 2012. 169 pp. \$32.00 cloth.

Reviewed by Jessica Knouse, University of Toledo

For nearly fifteen years, Julie Greenberg's scholarship has illuminated the complex legal and social issues faced by intersex