

disparities—but the peculiar ways those vices have married our cultural virtues in the criminal justice realm—equality, individualism, and mistrust of government.

The book's penultimate chapter is perhaps its most important one for Law & Society readers. Interdisciplinary studies of law are all too often associated with bringing social and psychological realism to the understanding of legal processes and, thus, understanding how the promise of equality and fairness in the law's majestic documents so often fails to be delivered on the street. Yet as much as we need to highlight those multiple sources of bias (implicit and explicit), the great evils of America's criminal justice system are profoundly ones of law itself, intended and carried with deliberation and efficiency by a vast army of state functionaries. Ferguson points to the significance not only of our laws but also of our strong version of legal positivism, that is, our strong cultural investment in the idea of legality as a sufficient basis for legal legitimacy without regard to moral or political dimensions, in enabling the active complicity of so many thousands of professionals in carrying out cruelty on such a massive scale.

Although Ferguson's personal narrator voice and the literary nature of his references make this book quite different from almost anything else published on the problem of contemporary American punishment, his conclusions are highly consistent with the growing view that holds mass incarceration to be a moral catastrophe for American law and society on par with our most disgraced institutions. That recognition is opening the possibility for a new conversation about crime and justice in America. Ferguson's direct and eloquent language and his relentless moral framework will be crucial to advancing that conversation beyond the bromides of criminal justice reform.

## Reference

Brown v. Plata, 563 U.S. 93 (2011).

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*Cheap on Crime: Recession-Era Politics and the Transformation of American Punishment.* By Hadar Aviram. Oakland, CA: University of California Press, 2015. 272 pp. \$29.95 paper.

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For years, politicians on both sides of the aisle avoided all talk of criminal justice reform. As many scholars have pointed out, being tough on crime was seen as politically necessary (Beckett 1997; Simon 2007). Since the late 2000s, however, that has begun to change. Supported by such varied organizations as the American Civil Liberties Union and Koch Industries, calls for criminal justice reform have become commonplace. For example, in 2015, the Brennan Center for Justice published a book of essays on criminal justice reform by a wide range of “national leaders” including politicians Hillary Rodham Clinton, Martin O’Malley, Ted Cruz, and Rand Paul (Chettiar & Waldman, 2015).

In her timely new book, *Cheap on Crime*, Hadar Aviram argues that efforts like these are facilitated by “humonetarianism,” which she describes as “a set of rhetorical arguments, political strategies, correctional policies, and cultural perceptions that focuses on cost-saving and financial prudence as its *raison d’être*” (p. 11). She claims that since the 2008 recession, the discourse of humonetarianism has come to dominate public conversations about corrections, and has been “utilized in a way that disarms the political impasse and allows politicians, policy makers, businesspeople, and taxpayers to find common ground and reach significant compromises in the penal field” that otherwise would have been difficult (p. 4).

Aviram begins in Chapter 1 by presenting the theoretical framework for the book. She reviews the Marxist literature on punishment and social structure, which would suggest that the increase in unemployment that resulted from the recession would lead to increased punitiveness, and the economics literature on the costs of crime. While thought-provoking, this discussion is largely descriptive and adds little to the overall argument in the book. More interesting is Chapter 2, in which Aviram tells the story of the economic and fiscal aspects of the rise of mass incarceration. Here, she adds a new dimension to the traditional explanations for the rise in prison populations with a particular emphasis on the federalization of state law. She describes the rise of “punitive laws backed by federal funding” (p. 42) but also explains how state and local governments ended up paying for much of the mandatory sentencing promoted by the federal government. She further argues that the methods for financing much of the prison construction hid the true costs of prison expansion from taxpayers.

After briefly reviewing, in Chapter 3, the financial crisis of 2008, its impact on state and local budgets, and the beginnings of humonetarianism, Aviram spends Chapters 4–7 discussing particular areas of criminal justice where, she argues, the discourse of humonetarianism can be seen in practice: the death penalty, marijuana legalization, private prisons, and the inmate as consumer. In all of these chapters, Aviram presents concrete examples that support her thesis. For example, humonetarianism seems to have clearly been at work in the effort to abolish the death penalty in California. As she points out in

Chapter 4, not only was the Initiative called SAFE California (Saving, Accountability, and Full Enforcement) but also volunteers were specifically instructed to avoid discussing the death penalty in human rights terms and instead were told to discuss its “fiscal viability” (p. 73). Similarly in Chapter 5, she cites the examples of the “Smart on Crime” and “Right on Crime” initiatives, both of which emphasize cost-effective alternatives to incarceration.

Perhaps the strongest example cited by Aviram is the effort to legalize marijuana at the state level. Since 2010, three states have seen campaigns to legalize marijuana. As she demonstrates, all of these campaigns featured “smart on crime cost-centered messaging” (p. 89). And indeed, this rhetoric seemed to resonate with voters. Relying on media reports, Aviram convincingly argues that California voters rejected Proposition 19 in large part due to the fact that its fiscal promises were vague and flawed. By contrast, 2 years later, similar efforts in Colorado and Washington were successful because of their “genuine and thoughtful economic argument” (p. 97).

Throughout the book, Aviram is careful to note that humoneterian discourse is not “the sole explanatory variable” (p. 70) for changes and reforms to the criminal justice system. However, at times, she does seem to overstate its importance. For example, in her discussion of the movement to abolish the death penalty, she privileges cost arguments over human rights ones. While she is correct that some reformers have pointed to the high cost of the death penalty as a reason for its abolition, she gives short shrift to the moral arguments made by some politicians, particularly Catholics. In addition, there is little discussion of the fact that many conservatives are motivated to downsize prisons not by cost concerns but, as Patrick J. Nolan said recently, by “human dignity” (Keller 2015: 23). Finally, although she does recognize the negative potential of cost-cutting rhetoric and briefly discusses some “tough ‘n’ cheap” policies, Aviram seems to underestimate their impact, particularly the impact of increased fines and fees levied on the large numbers of people on probation or other forms of community supervision.

*Cheap on Crime* concludes with a brief discussion of the future of humoneterianism. Although Aviram is hesitant to describe the development of this discourse in wholly positive terms, she does claim that because of its appeal to politicians and policy makers of all political persuasions it has led to many positive criminal justice reforms. And while she recognizes that these policy changes “cannot achieve lasting positive reform without keeping the more fundamental arguments about human dignity, hope, and belief in change on the table,” (p. 163) she is pessimistic about the potential of human rights arguments. She rejects Jonathan Simon’s (2014) argument that the Supreme Court’s decision in *Brown v. Plata* (2011) supports a discourse of dignity and points out that while

Justice Kennedy's majority opinion certainly promotes dignity, Justice Scalia's opinion uses dehumanizing language, referring to people in prison as "fine physical specimens" (p. 166). Perhaps Aviram is correct to be skeptical, as the language of dignity was noticeably absent from the Supreme Court's punishment and corrections cases during the 2014–2015 term. Instead she argues that the language of cost, particularly if it is framed in inclusive terms, has the potential to effect "real, lasting change" (p. 170). Although many will question the optimistic note on which it ends, *Cheap on Crime* makes a valuable contribution to the literature on mass incarceration and is a must-read for those seeking explanations for the significant changes that have occurred in American corrections over the last 5 years.

## References

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*Exploring the 'Socio' or Socio-Legal Studies*. By Dermot Feenan. New York: Palgrave Macmillan, 2013. 307pp. \$105 Cloth.

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In this book, legal scholar and research fellow in law, Dermot Feenan, corrals some of the leading scholars in the field of law and society, legal studies, as well as the focus of the book, sociolegal studies. In writing this review, I found myself initially wanting to simply write that sociolegal studies is a method scholars use to simplify their explanation of what they research. However, each scholar, beginning with Feenan, clearly introduces and explains that the "socio" plays a