

Colleen Bell has put a great deal of academic and practical thought into *The Freedom of Security*. Her achievement, both noteworthy and recommendable, is, however, not without flaw. The case studies stand on their own merits, but readers may be left feeling as though they have read four independent works from the same theoretical perspective. Bell offers broad alternatives to neoliberal governance in the final case study that, in my view, she should have explored more thoroughly in other chapters. Doing so could have helped readers to draw all of the case studies together. Further, such an approach would have provided a more comprehensive argument for the alternative form of governance that Bell espouses.

Bell has also omitted some historical analysis that may have added complexity and context to her argument. I am left wondering how she compares the *War Measures Act* to the post-9/11 *Anti-Terrorism Act* in Canada. Does she see much of a difference between Soviet colonialism in Afghanistan and the NATO mission she critiques? If not, can she really say that mixing development with militarization is a new strategy? From a historical perspective, this book could spark a great deal of research, but in the meantime, it leaves the reader asking a lot of important questions relevant to its somewhat incomplete conclusion.

In the post-9/11 world, where security is a household topic and a political tool, insights that challenge hegemonic security discourse are important. In that sense, Bell has a remarkable achievement in *The Freedom of Security*. This well-written and important book will guide future critical research and thought in Canadian studies of freedom and security. Bell's argument, if considered seriously, could lead to the more egalitarian and balanced treatment of racial minorities in domestic and international policy.

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Emma Cunliffe

Murder, Medicine and Motherhood. Oxford: Hart Publishing, 2011. 246 pp.

Murder, Medicine and Motherhood presents Emma Cunliffe's study of the trial of Kathleen Folbigg, an Australian woman found guilty of the separate deaths of her four infant children. Like many who write about wrongful convictions, Cunliffe offers insights on the rules of evidence and their truth-seeking limitations. More than that, however, she provides a careful interdisciplinary analysis that reveals how medicine, law, and media play a game of hot potato, shaped by normative conceptions of motherhood, to cope with, mask, and manipulate uncertainty in such cases. Through this creative use of the wrongful convictions frame, Cunliffe's

work charts a course between traditional scholarship on the law of evidence and the frontiers of the field.

Uncertainty is the book's unifying theme. Folbigg's children were found dead with no visible signs of suffocation, so experts situated their opinions about whether each child died naturally within the medical classification of Sudden Infant Death Syndrome (SIDS). To paint Folbigg as a bad mother, the prosecution relied on Folbigg's husband's testimony and her own diaries. Together, the evidence secured a conviction.

Cunliffe deconstructs and reframes the elements of Folbigg's conviction by tracing and probing the sources in play, which include court transcripts, case law, news reports, Folbigg's diaries, medical research, and policy statements. For example, experts were precluded from opining about the improbability of four natural infant deaths in one family on the basis that this opinion called for common sense rather than expertise. Yet these experts relied on an American Academy of Pediatrics (AAP) policy—which was subsequently revisited—to justify treating a second unexplained infant death within a single family with suspicion. The same document was further relied upon to discredit defence experts who disagreed with its thrust. Cunliffe places the questionable medical consensus represented by the policy statement in its socio-legal context, revealing how shifts in criminality discourse from social welfare approaches toward punitive, retributive models grounded in individual responsibility penetrated the ostensibly objective, scientific understanding of SIDS. She shows how this ideology was then re-inscribed within the criminal process through expert testimony in the Folbigg case, just as the medical community's stance was at its most punitive.

Normative conceptions of good motherhood resolved any lingering uncertainty about Folbigg's guilt. The prosecution deployed motherhood stereotypes—for example, that a good mother will always sacrifice her independent interests for those of her children—to cast Folbigg as the sort of person who would kill her children. Folbigg's diary entries, in which she expressed guilt and responsibility, were viewed as unmediated truth. Cunliffe's careful qualitative and quantitative analysis of newspaper coverage demonstrates how selective media reporting left the false impression of an open-and-shut case.

Cunliffe's characteristic circumspection—her caution and commitment to a thorough interrogation of multiple and interacting sources of truth production—makes her book a compelling contribution to what was once called the “new evidence scholarship.” This interdisciplinary approach to evidence is no longer new, but many of its implications for theories of evidence law remain undetermined. Can the law of evidence continue to be fundamentally about rectitude given its inherent subjectivities and social contingencies, and those of the cognate disciplines on which it relies? If our law merely obscures the impossibility of knowing, does interdisciplinary analysis recommend a shift away from traditional criminal processes and toward alternative approaches that might better allow us to come to terms with the difficult unknowns of what we call crime?

Cunliffe's book is a fine exemplification of the evolution of new evidence scholarship, but the author wisely refrains from answering these questions directly.

Instead, she leaves her readers to struggle with them, equipping her audience with key insights from theories of law, science, media, and feminism, all carefully annotated. Throughout her analysis of how criminal, scientific, and social processes conspire to come to terms with and manage uncertainty in this case, Cunliffe never lapses into epistemological solipsism. Instead, she includes concrete and useful doctrinal suggestions with careful attention to the specific context of parenthood and sudden infant death syndrome. Through carefully contextualized suggestions, Cunliffe demonstrates that the law of evidence cannot, itself, provide one-size-fits-all solutions through rules abstracted for universal application. She reveals, as others have suggested, that a thoughtful law of evidence may require *more* rules, not fewer, in order to cope with the lessons of interdisciplinary analysis.¹ Whether our current legal and institutional frameworks can support the effort necessary to avoid papering over uncertainty and reinforcing stereotypes—or whether our legal processes would collapse under that burden—remains an open question. But Cunliffe, in her thoughtful call for context, leads by example in responding to that challenge.

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Julie Fette

Exclusions. Practicing prejudice in French law and medicine, 1920–1945. Ithaca: Cornell University Press, 2012. 329 pp.

Dans cet ouvrage, Julie Fette conduit une analyse fine des pratiques d'exclusion mises en place par les corps des médecins et avocats français entre la Première Guerre mondiale et la chute du régime de Vichy afin de réduire l'accès des naturalisés et des étrangers à l'exercice des professions médicales et juridiques. Pour l'auteure, il s'agit moins d'étudier les moments institutionnels qui ont ponctué cette exclusion que de montrer jusqu'à quel point ces pratiques peuvent être lues comme une réponse, émanant *du bas*, à une crise identitaire que les médecins et les avocats ressentent déjà sous la Troisième République. La démocratisation de l'accès aux professions et aux études universitaires, l'introduction de mesures pour assurer la tutelle de la santé des plus démunis, l'intrusion croissante de l'État dans la réglementation de l'accès à ces professions sont autant d'éléments à l'origine de cette crise.

¹ John D Jackson, "Analysing the New Evidence Scholarship: Towards a New Conception of the Law of Evidence" (1996) 16:2 Oxford J Legal Stud 309 at 324.