

finishes by evaluating the global spread of ex post facto language in constitutional texts and international human rights declarations.

This is a richly detailed account of an understudied constitutional clause that presents an innovative argument for its reinvigoration. Logan's work directly contributes to legal and historical scholarship on American constitutional and criminal law, but political scientists, sociologists, and criminologists interested in criminal justice reform will be interested in his prescription to use the provision to check punitive lawmaking. Many laws with retroactive impacts on the lives of convicted individuals—including those mandating sex offender registration and notification or prohibiting convicted felons from certain occupations, among others—do not receive ex post facto coverage under current doctrine. Logan's case for a new approach is fresh and valuable.

As with any book, some points merited elaboration. For one, the text's historical organization is well-explained, but scholarship has long acknowledged that the Court's ideological orientation changes over time with the rise of new political coalitions (Dahl, 1957). Logan's periodization scheme sometimes glosses over such shifts. For instance, chapter four covers the late nineteenth century to 1990, a timeframe including the conservative Lochner Court, liberal Warren Court, and conservative judiciary that took shape afterward. Logan shows that this century witnessed a gradual narrowing of the Court's ex post facto interpretation, but the persistence of this trajectory across such ideologically diverse judicial regimes is an interesting finding warranting further discussion. It is especially notable that the Warren Court, so frequently protective of defendants' rights, followed this course. Perhaps Logan's arguments complement Stuntz's (2011) claims that the Warren Court's emphasis on criminal procedure over considerations of substantive justice worked with punitive political currents to legitimize harsh justice, or maybe something distinctive about the clause rendered it immune to the Warren Court's sympathy.

A minor point is that while Logan writes that some of his proposals may appeal to conservative originalists, it would have been helpful to specifically hear his thoughts on his proposals' prospects of adoption given the current Court's conservative supermajority. It may be that the Kavanaugh and Barrett appointments do not feature in the text because they occurred later in the book's research stages, but some brief thoughts more explicitly considering which of his ideas are most likely to be rejected or accepted by this current conservative bloc would have been welcome.

These points do not diminish the substantial value of Logan's book to scholarship on constitutional law, legal history, and criminal law. As research grows exploring the problems of American criminal justice, *The Ex Post Facto Clause* is a noteworthy contribution advancing a novel argument to reinterpret an oft-ignored constitutional tool to constrain punitive lawmaking.

REFERENCES

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Sociology of law as the science of norms. By Håkan Hydén. London: Routledge, 2021. 338 pp. \$170.00 hardcover

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Håkan Hydén's book is a groundbreaking work. It lays the foundation for a new field of research: *Sociology of law as the science of norms*.

Hydén's overarching argument is that we must begin to take seriously the fundamental role that norms actually play in shaping society. This starting point must then be followed up with thorough, in-depth, and systematic studies focusing on how norms function as society-forming entities. Hydén's book is a paradigmatic example of how this might be done.

In the notion of norms, Hydén not only includes legal norms but all kinds of social norms underlying the legal order. In the field of normative research that Hydén founds with this book, the starting point is that the norms create the social reality rather than the other way around. Furthermore, he transcends the traditional understanding of norms as prescriptions for action in that he also considers norms as instruments of analysis intended to explore the underlying beliefs and motivating factors that they express. This new field of research thus deviates quite substantially from the usual approaches in the sociology of law. With Hydén's pioneering work, this is a field that is already broadening the sociology of law and bringing to it different and new perspectives.

A central aim of the book is to lay the foundations for a comprehensive science of norms adapted to the particular problems and conditions of this era, such as mass surveillance and genetic engineering, where science has also become increasingly fragmented and specialized. A fragmented world, Hydén argues, can be made more intelligible if it is explained by the analytical tools of a unified theory of the fundamental role of norms in society.

The science of norms that Hydén presents is a science in a strictly empirical sense; to paraphrase David Hume it is a description of what norms are and not a discursive exposition of how they ought to be. It is a science of norms, to be distinguished from a normative science as Hydén himself puts it. He does not even claim to have presented a theory in this book. Rather, he sees the idea about *sociology of law as the science of norms* as a perspective that can be used as a basis for new theories capable of dealing with the massive paradigm shift that is now being propelled by society itself and not by theories of society.

While there is a point in making such a distinction between society and theories of society, I do not agree with Hydén on this point. *Sociology of law as the science of norms* is a theory, and in addition it is a very advanced theory. Theories are models of thought that comprehensively and systematically connect and explain a vast amount of facts into a coherent whole. Perspectives are not in themselves theories but rather heuristic starting points in theory formation. On this basis, Hydén's science of norms is too well thought out, elaborate, profound, and wide-ranging to be referred to merely as a perspective.

One part in Hydén's theory is meta-theoretical in that it aims to explain what *sociology of law as the science of norms* might entail and why it is necessary to lay the foundations for such a field of research. Another part concerns the tension between what Jürgen Habermas calls lifeworld and system. Other parts focus, among other things, on the normative development of the legal system and its underlying moral and social domains. The theory also includes fascinating and enlightening discussions of the challenges facing law in an age when regulation is partly based on assumptions that did not apply in the past. Whereas law in the industrial era was based on compromises and trade-offs between different interests and values, in the digital era law is based more on binary solutions. Within the framework of his theory, Hydén also introduces a new figure of thought, "strategic normative thinking," intended to generate innovative solutions for self-regulation on a consensual basis and according to the motivations of the parties involved.

Hydén has created a rich and multifaceted theory that integrates various scientific disciplines in an impressively well-crafted manner around the central idea that the methodical study of norms is a way of explaining human behavior and choice. To this end, he develops an approach that offers broader horizons than the traditional sociological explanatory models that assume an individualistic methodology in the study of society and its processes of change. While placing the individual in his or her social environment, Hydén emphasizes that this environment is made up of interpersonal interactions whose content is not suspended in the air but is governed by various kinds of norms, of which the legal norms are only one part. Recognition of the complex interplay between social and systemic norms is also an important starting point for understanding societal development.

This approach has fundamental existential significance. People are rarely aware that—let alone how—their lives are governed by norms, how norms determine what they choose to do and, just as importantly, how norms influence perceptions of what choices there are to make in the first place. Hydén’s reasoning on this subject is based on a profound knowledge of human thought and emotional life. It also provides deep insights into the relationship between the horizons of understanding at the level of individual psychology and the mechanisms of action governed by the laws of social psychology.

Hydén’s presentation is characterized by intellectual vigor and by a pathos grounded in a deeply felt need to understand a world now in rapid upheaval. The knowledge conveyed in the book is deeply impressive, obviously acquired over a lifetime of professional work. There is only one thing to hope for in terms of the future development of knowledge about the crucial role of norms in society: that *sociology of law as the science* of norms will establish itself as a field of research in its own right.

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Engage and evade: How Latino immigrant families manage surveillance in everyday life. By Asad L. Asad. Princeton, NJ: Princeton University Press, 2023. 344 pp. \$33.00 hardcover

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In *Engage and Evade*, Asad L. Asad offers a provocative intervention that challenges the popular and scholarly understandings of institutional surveillance on undocumented immigrants. In the public imagination, undocumented immigrants endure the omnipresent possibility of deportation and thus hide in the shadows of society. Asad’s compelling book argues instead that “surveillance is as much about the fear of societal exclusion as the hope for societal inclusion” (p. 5). Through interviews with Latino immigrant families in Dallas County, Texas, quantitative analyses of the American Time Use Survey, and ethnographic fieldwork in the Dallas immigration court, this book analyzes how the management of surveilling institutions, the interactions between various actors and immigrants, and the resulting production of formal records, can aid or punish immigrant families.

Chapter 1 describes the lives of prospective immigrants to illustrate how immigration surveillance affects the decision-making process of migration and the immigrants’ initial interpretations of surveillance. Chapter 1 introduces a type of long arc of surveillance developed throughout the book, although Asad does not describe it as such. Given specific structural conditions in their countries of origin, Asad contends that unique forms of social, material, and psychological deprivation influence migration. Furthermore, the immigrants’ social and material resources impact modes of entry (cross-border or visa entry) to the United States. Modes of entry, in turn, establish how immigrants will interact with various institutional actors within the United States.

Chapter 2 continues the arc of surveillance with regulatory institutions, including policing, employment, and taxation. Asad argues that undocumented immigrants selectively engage by avoiding negative interactions with police and amplifying positive interactions through employment and taxation. Undocumented immigrants will adjust their mindsets and behaviors with their perceived expectations from authorities. They entirely avoid interacting with police, by obeying traffic signals and driving responsibly for example, and/or solely worry about particular types of interactions, such as those resulting from unpaid traffic citations. Through employment and taxation, they also respect the law by filing their taxes and paying their share to the economy. Undocumented immigrants understand surveillance tools, which they hope will prove their moral lives and lack of criminality. Chapter 2 is the strongest chapter, demonstrating that through the management of everyday surveillance, undocumented immigrants actively minimize their exclusion and maximize their inclusion in society.