

Book Notes*

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

CONSTITUTIONAL THEORY AND HISTORY

Ahmed, Dawood and Muhammad Zubair Abbasi. *Democracy under God: Constitutions Islam and Human Rights in the Muslim World*. New York: Cambridge University Press. 2023. Pp. xxi + 209. \$34.99 paper.

Analyzing data from several Muslim-majority countries, Ahmed and Abbasi find that the insertion of Islam in a constitution is frequently accompanied by an expansion in constitutional human rights. For example, they find that case law from higher courts in Egypt and Pakistan indicates that potential tensions between the constitutional pursuit of human rights, liberal democracy and Islam are capable of judicial resolution. They attribute variation to the colonial experience: Islam's place in constitutional politics became more prevalent in Muslim countries that were colonized by the British, versus those colonized by the French or Soviets.

Braver, Joshua. *We the Mediated People: Popular Constitution-Making in Contemporary South America*. Oxford, UK: Oxford University Press, 2023. Pp. iii + 251. \$99.00 cloth.

Braver develops a theory of popular constitution-making by examining all four instances of popular constitution-making in contemporary South America. He finds that populist leaders in Venezuela and Ecuador established semi-authoritarian constitutions through lawless constitution-making while Colombia and Bolivia managed to avoid the same fate by engaging in "extraordinary adaptation," whereby the revolutionary party exhausts all legal channels, openly acknowledges the violation to seek popular vindication, and concedes enough to the opposition so that it may begrudgingly acquiesce to the new constitution.

CRIMINAL JUSTICE AND SOCIAL CONTROL

Cheng, Kevin. *The Timing of Guilty Pleas: Lessons from Common Law Jurisdictions*. New York: Cambridge University Press. 2023. Pp. xx + 208. \$110.00 cloth.

Cheng investigates how the timing of guilty pleas affects various facets of the criminal process, from the factors that affect this timing to the effects that the sliding scale of sentence discounts has on sentences and public opinions about them. The book also draws comparisons between Western and Asian legal systems, specifically those of England and Wales and Hong Kong.

Gonzalez-Ocantos, Ezequiel A., Paula Muñoz Chirinos, Nara Pavão and Viviana Baraybar Hidalgo. *Prosecutors, Voters and the Criminalization of Corruption in Latin America*. New York: Cambridge University Press. 2023. Pp. xii + 305. £95.00 cloth.

This book is a study of the impact of accountability through criminalization, dissecting the drivers and dilemmas of resolute transparency efforts. It focuses on Lava Jato, a transnational bribery case that started in Brazil and spread throughout Latin America, upended elections and collapsed governments, asking why the investigation gained momentum in some countries but not others. The authors find that Lava Jato became a full-blown anti-corruption crusade where reforms were coupled with the creation of aggressive taskforces.

Gould, Jon B., Metzger, Pamela R. ed. *Transforming Criminal Justice: An Evidence-Based Agenda for Reform*. New York: NYU Press, 2022. Pp. vii + 446. \$35.00 paper.

Contributors to Gould and Metzger's volume present an evidence-based roadmap for how the American criminal justice system can be reformed. They address thirteen issues in justice reform, starting from a suspect's first interaction with the police and continuing to gun violence, prosecutorial innovation, sentencing reform, eliminating bail, recidivism and re-entry, collateral

consequences of crime, and eliminating false convictions, in each case presenting empirical evidence of the problem and the implication of those data for workable reform.

Groff, Elizabeth R. and Cory P. Haberman, eds. *Understanding Crime and Place: A Methods Handbook*. Philadelphia, PA: Temple University Press, 2023. Pp. xvi + 423. \$74.95 paper.

Place has become a major field of criminological study as well as an important area for policy development. Groff and Haberman's methods handbook covers major crime and place theories and concepts, discussions of data and data collection, core spatial data concepts, and statistical and computational techniques for analyzing spatial data and place-based evaluation.

Jeursen, Thijs. *The Vigilant Citizen: Everyday Policing and Insecurity in Miami*. New York: NYU Press, 2023. Pp. viii + 127. \$28.00 paper.

Drawing on eleven months of fieldwork in Miami and sharing the stories and experiences of police officers, private security guards, neighborhood watch groups, civil society organizations, and a broad range of residents and activists, Jeursen uses the lens of vigilant citizenship—the idea that individuals share responsibility for community security—to extend the analysis of police brutality beyond police encounters. He focuses on the often-blurred boundaries between policing actors and policed citizens and highlights the ways in which policing produces and perpetuates inequality and injustice.

JUDGES AND JUDGING

Scherer, Nancy. *Diversifying the Courts: Race, Gender, and Judicial Legitimacy*. New York: New York University Press, 2023. Pp. xiv + 222. \$30.00 paper.

Scherer addresses why U.S. presidents choose—or don't choose—to diversify the federal courts by race, ethnicity, and gender and tracks the controversial history and politics of court diversification. Drawing on polls, political experiments, surveys, and interviews, she examines the complicated relationship between diversity and court legitimacy. She finds that diverse representation can positively impact perceptions of the court among women and racial minorities, while having a negative impact on the perceptions among white people and men.

Snyder, Brad. *Democratic Justice: Felix Frankfurter, the Supreme Court, and the Making of the Liberal Establishment*. New York: W.W. Norton & Co., Inc., 2023. Pp. v + 978. \$45.00 cloth.

Snyder argues that the conventional wisdom about Felix Frankfurter—Harvard law professor and U. S. Supreme Court justice—is that he was a judicial failure, a liberal lawyer turned conservative justice and the Warren Court's principal villain; yet none of these characterizations rings true. Instead, he offers a portrait of Frankfurter as a pro-government, pro-civil rights liberal who rejected shifting political labels and advocated for judicial restraint, believing that people should seek change not from the courts but through the democratic political process.

LAW AND GENDER

Bessière, Céline and Sibylle Gollac. (translated by Juliette Rogers). *The Gender of Capital: How Families Perpetuate Wealth Inequality*. Cambridge, MA: Harvard University Press, 2023. Pp. xiv + 330. \$39.95 cloth.

Combining quantitative, ethnographic, and archival research, Bessière and Gollac argue that in every class of society, women are economically disadvantaged with respect to their husbands, fathers, and brothers because of unfair economic arrangements that play out in divorce proceedings, estate planning, and other situations where law and family life intersect. Drawing on family histories

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and interviews with family members, lawyers, and notaries, they find that families allocate resources disproportionately to benefit boys and that the legal profession remains in thrall to assumptions and accounting tricks that reinforce gender inequality.

Castañeda, Michelle. *Disappearing Rooms: The Hidden Theaters of Immigration Law*. Durham, NC: Duke University, 2023. Pp. xi + 186. \$24.95 paper.

Castañeda uses a performance studies perspective to examine how the theatrical concept of *mise-en-scène* offers insights about immigration law and the absurdist dynamics of carceral space. Drawing on her experiences in immigration trials as an interpreter and courtroom companion, she analyzes the scenography—lighting, staging, framing, gesture, speech, and choreography—of specific rooms within the immigration enforcement system. Her ethnographies of proceedings in a “removal” office in New York City, a detention center courtroom in Texas, and an asylum office in the Northeast U.S. seek to reveal the depersonalizing violence enacted in immigration law through its embodied, ritualistic, and affective components.

LAW AND LABOR

Boucher, Anna K. *Patterns of Exploitation: Understanding Migrant Worker Rights in Advanced Democracies*. Oxford, UK: Oxford University Press, 2023. Pp. xiv + 295. \$83.00 cloth.

Boucher examines workplace exploitation through a comparison of labor laws and practices in multiple jurisdictions—Australia, Canada (Ontario, British Columbia, and Alberta), England, and the U.S. (California)—over a twenty-year period, drawing on a database of 907 court cases and fifty-three interviews with leading actors on both sides of the litigation. She finds that the key factor accounting for variation across cases is the industrial relations systems of the countries involved in the study; this finding emphasizes ongoing institutional resilience in labor market regulation, even within mostly similar liberal market economies.

LAW AND MEDICINE

Ziegler, Mary, ed. *Research Handbook on International Abortion Law*. Northampton, MA: Edward Elgar Publishing, Inc. 2023. Pp. xiv + 450. \$265.50 cloth.

Contributors to Ziegler’s handbook provide a multidisciplinary study of abortion law around the world, presenting a snapshot of global policies during a time of radical change. In addition to fundamental concepts, contributors consider new developments in law and medical practice and explore the evolution of social movements for and against legal abortion in a wide variety of national contexts.

LAW AND PERFORMANCE

Watt, Gary, *The Making Sense of Politics, Media, and Law: Rhetorical Performance as Invention, Creation, Production*. New York: Cambridge University Press. 2023. Pp. vii + 303. \$39.99 paper.

(Also available as open access on Cambridge Core.) This book argues that performative politicians of the left and right, law makers, the court of public opinion, and even the mainstream media use “The Making Sense” to persuade their audiences: politicians use slogans; in trials facts are not found but forged; and journalists make news for public consumption, so all news is to an extent fake. Drawing a wide variety of disciplines, Watt seeks to determine how, in a world of making, we can separate craft from craftiness.

LAW AND PRECARITY

Nguyen, Tu Phuong. *Law and Precarity: Legal Consciousness and Daily Survival in Vietnam*. New York: Cambridge University Press, 2023. Pp. xii + 159. \$125.00 cloth.

Nguyen examines the paradoxical effects of law on the survival strategies of Vietnamese people who live and work in precarious circumstances. Her focus is on how precarity influences the way people perceive, engage with, or resist the law while law, at the same time, creates and reinforces such a condition. She concludes that understanding the mutually reinforcing relationship between law and precarity sheds new light on the way law enables individuals to better their condition but ultimately makes matters worse rather than better.

LAW AND THE PRESS

Barbas, Samantha. *Actual Malice: Civil Rights and Freedom of the Press in New York Times v. Sullivan*. Oakland, CA: University of California Press, 2023. Pp. iii + 282. \$29.95 cloth.

Drawing on previously unexplored sources, including the archives of the New York Times Company and civil rights leaders, Barbas tracks the saga behind the landmark 1964 *New York Times v. Sullivan* decision, where the U.S. Supreme Court held that a public official must prove “actual malice” or reckless disregard of the truth to win a libel lawsuit. She situates the case within the turbulent 1960s and the history of the press, alongside portraits of the lawyers, officials, judges, activists, editors, and journalists involved in the case.

LAW AND PROPERTY

Callaway, H. B. *The House in the Rue Saint-Fiacre: A Social History of Property in Revolutionary Paris*. Cambridge, MA: Harvard University Press, 2023. Pp. 297. \$45.00 cloth.

This account of property reform during the French Revolution argues that the lofty democratic ideals enshrined by revolutionary leaders were rarely secured in practice. The Revolution redefined property as an individual right to which all citizens were entitled. Drawing on the records on Parisian émigrés who fled the country during the Revolution, Callaway finds far more continuity between the Old Regime and revolutionary practices than the law proclaimed, and that the resulting property system was a product of contingent, on-the-ground negotiations as much as revolutionary law.

LAW AND RACE

Darity, William, A. Kirsten Mullen and Lucas Hubbard, eds. *The Black Reparations Project: A Handbook for Racial Justice*. Oakland, CA: University of California Press, 2023. Pp. vii + 246. \$24.95 paper.

Contributors to Darity, Mullen, and Hubbard’s volume seek to move the question of Black reparations from theory to action with a practical plan. The first section of the book develops the rationale for reparations, cataloguing centuries of racial repression, discrimination, violence, mass incarceration, and the immense black-white wealth gap in the U.S. The second section presents guidance for building and implementing a reparations program, including draft legislation that addresses how the program should be financed and how claimants can be identified and compensated.

Delgado, Richard and Stefancic, Jean. *Critical Race Theory: An Introduction*. 4th edition. New York: NYU Press, 2023. Pp. xxiii + 198. \$20.00 paper.

This fourth edition of Delgado and Stefancic's work on Critical Race Theory covers a range of new topics and events and addresses the rise of criticism from right-wing websites, think tanks, and foundations, some of which insist that the U.S. is now colorblind and has little use for racial analysis and study. It also addresses the rise in legislative efforts to curtail K–12 teaching of racial history.

Melnick, R. Shep. *The Crucible of Desegregation: The Uncertain Search for Educational Equality*. Chicago: University of Chicago Press. 2023. Pp. xiv + 310. \$35.00 paper.

Melnick examines the evolution of U.S. federal school desegregation policy from the landmark 1954 *Brown v. Board of Education* decision through the termination of desegregation orders in the first decades of the twenty-first century. Combining legal analysis with a focus on institutional relations, he argues that years of ambiguous, inconsistent, and meandering Supreme Court decisions left lower court judges adrift, forced to apply contradictory precedents in a wide variety of highly charged political and educational contexts.

LAW AND RELIGION

Gallen, James. *Transitional Justice and the Historical Abuses of Church and State*. New York: Cambridge University Press. 2023. Pp. xiii + 383. \$125.00 cloth.

(Also available as Open Access on Cambridge Core.) Using a comparative lens, this book examines the responses of Western states and churches to their historical abuses from a transitional justice perspective, with a focus on Ireland, Australia, Canada, the United States, and the United Kingdom. Gallen finds that power and public emotions often impede the ability to address historical-structural injustices, because power fails to be redistributed and national and religious myths are not reconsidered. He concludes that the existing transitional justice efforts of states and churches remain an unrepentant form of justice.

Harms, Lisa. *Faith in Courts: Human Rights Advocacy and the Transnational Regulation of Religion*. New York, NY: Bloomsbury Publishing, 2023. Pp. xvii + 236. \$99.00 cloth.

Harms examines how Jehovah's Witnesses, Muslims, Sikhs, Evangelicals, Christian conservatives, and their global support networks have litigated the right to freedom of religion at the European Court of Human Rights over the past 30 years. Drawing on in-depth interviews with NGOs, religious representatives, lawyers, and legal experts, it is a study of the social dynamics that shape transnational legal mobilization and the ways in which legal mobilization shapes discourses and conflict lines in transnational law.

Ravitch, Frank S. *Advanced Introduction to Law and Religion*. Northampton, MA: Edward Elgar Publishing, Inc. 2023. Pp. ix + 155. \$26.95 paper.

Taking a global comparative approach in the context of specific case studies, Ravitch examines how the interaction between law and religion plays out in differing legal systems across the U.S., Europe, and Asia.

LAW AND SOCIETY IN ASIA

Chua, Lynette J., David M. Engel and Sida Liu, eds. *The Asian Law and Society Reader*. New York: Cambridge University Press. 2023. Pp. xxvii + 400. £89.99 cloth.

Chua, Engel, and Liu's volume features contributions from a wide range of Asian countries – East, South, Southeast and Central Asia – along with original commentaries by the editors on the theoretical debates and research methods pertinent to the discipline. Organized by themes and topical areas, the volume encourages readers to break out of country-specific silos to make theoretical connections across national borders.

LAW AND THE SPACE BETWEEN GROUPS

Coutin, Susan Bibler and Yngvesson, Barbara. *Documenting Impossible Realities: Ethnography, Memory, and the As If*. Ithaca, NY: Cornell University Press, 2023. Pp. x + 151. \$26.95 paper.

Coutin and Yngvesson argue that the dichotomy between an “above ground” inhabited by dominant groups and an “underground” to which unauthorized immigrants, political exiles, and transnational adoptees are relegated cannot be sustained. This dichotomy was made possible by the illusion that some people do not belong, that some forms of kin are not real, or that certain ways of knowing do not count. To examine accounts that challenge such illusions, the authors focus on the spaces *between* groups, where difference is constituted and where the potential for new forms of relationship may be realized.

REGULATION

Sienli van der Kamp, Denise. *Clean Air at What Cost? The Rise of Blunt Force Regulation in China*. New York: Cambridge University Press, 2023. Pp. xiv + 230. \$110.00 cloth.

This book argues that China's “green transition” through blunt force regulation is a sign of weak state capacity and ineffective bureaucratic control. Integrating case studies with quantitative evidence, Sienli van der Kamp finds that widespread industry shutdowns are used not to scare polluters into respecting pollution standards, but to scare bureaucrats into respecting central orders. She concludes that these measures have improved air quality in almost all Chinese cities, but at immense social and economic cost.