

entitlements, and popular legalism in the making of law in Santiago de Cuba. This book challenges assumptions that law in the Global South is a variation of European and North American legal systems. It also reveals other layers of law-making that goes beyond elite circles. In this sense, Chira's book is not just about a peripheral Cuban region, it is about how law is a patchwork made by stitching together a wide array of elements, many of them as mundane as little bits of cloth.

doi:10.1017/S0738248022000645

Sascha Auerbach, *Armed with Sword and Scales: Law, Culture, and Local Courtrooms in London, 1860–1913*

Cambridge: Cambridge University Press, 2021. Pp. xxii, 403. \$99.99 hardcover (ISBN 978-1-108-49155-6).

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Summary justice has been seriously under-studied. This is regrettable: the law is an important interface between the state and its citizens, and those who did come in contact with the legal system tended to do so at its lower levels. Peter King, working in the period spanning roughly the mid-eighteenth century through to 1840, was something of a pioneer in examining these interactions, while Daniel Grey pursued the subject in the City of London in the late eighteenth century. Sascha Auerbach's most welcome and ambitious book extends this important study to the late nineteenth and early twentieth centuries. His subject is the "tripartite dynamic of communities, courtrooms, and police" in the late Victorian and early Edwardian periods (23), a dynamic embedded within the broader contours of the developing Victorian state. He considers the "institutional persistence" of the summary courts from their expansion and reform in the 1830s into the twentieth century, and argues that their longevity was owed to the balance achieved by "centralized, institutional cohesion" and the ability of these courts to respond to local concerns (342–43).

The local courts in question are London's magistrates' or police courts. These courts, according to Auerbach, "operated as arguably the most democratic and inclusive venues of the local state" (7). He views the increase in their business in the nineteenth century as an indicator of a fundamental shift in the relationship between the people and those by whom they were

governed; changes in courtroom culture, that is, reflected and helped to shape class relations and urban culture in this period. Auerbach sets his study of the summary courts in the context of both expansion in municipal government—details of the early Victorian legislation that enabled this expansion are helpfully outlined in Chapter 1—and Victorian programs of social reform, arguing that summary justice was a crucial element in a veritable tide of law reform. The state increasingly involved itself in the daily life of its citizens, and although magistrates did not set policy, they enforced it, thereby contributing to its impact. But the relationship between the governors was sometimes fraught, with magistrates, all too aware of public scrutiny of their actions via the press, striving to maintain their authority while negotiating a relationship with the new police.

The magistracy was also exasperated by attempts of working-class men and women to wrest control of the system for their own purposes, and Auerbach's exploration of these attempts is one of the strengths of this book. While press coverage of police court proceedings focused on institutional prosecutions of public order and criminal offenses including theft, violence, and drunkenness, by the end of the nineteenth century the courts were also dealing with a variety of working-class appeals to justice and the mediation of interpersonal conflicts via personal summons (see Chapter 4). Ultimately, Auerbach's portrait of summary justice in late Victorian England aligns with King's characterization (and that of Christopher Brooks for the court system in general in an earlier period) of the law as a "multi-use right" available to a broad cross-section of society. Non-elites, that is, did not merely meet the law as sanction, but actively employed it to pursue their own agendas and ideas of justice.

While the title of Auerbach's book specifies 1860 as its start date, he also provides a thoughtful consideration of the development of magistrates' courts prior to that time. In terms of assessing their work, however, this study gains in strength when dealing with the late Victorian period. The comparative neglect of summary justice, while regrettable, is understandable: it owes much to the problem of sources. "Representation," via coverage of police court activities in the press, is one element of Auerbach's focus. Comparatively easy to explore, it is useful in identifying attempts to present moral lessons as well as public understandings of the workings of the law (see Chapter 2). "Practice," or the realities of its functioning, is more opaque. Official records such as police court minutes and registers tend to be more reliable in their reflection of what actually transpired in court, but they are only available from the last quarter of the nineteenth century. Combining representation with practice is thus not really possible until that period.

Finally, where practice is concerned, in exploring non-elite engagement with late Victorian summary justice Auerbach's study is strong on class and gender (women's use of the police courts in the period 1882–1910 is the subject of Chapter 5). Ethnicity and race are not accorded the same attention. There are passing references to (often comic) press representation of Jews and the Irish in the courts, but no sustained consideration of the reality of their experience. But no single study can accomplish everything, and these are topics

only recently beginning to be considered. No doubt they will be followed up by other scholars.

doi:10.1017/S0738248022000608

Michael Lobban, *Imperial Incarceration: Detention without Trial in the Making of British Colonial Africa*

Cambridge: Cambridge University Press, 2021. Pp. xii, 450. \$120.00 hardcover (ISBN 9781316519127); open access pdf (ISBN: 9781009004848).

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Michael Lobban's book *Imperial Incarceration* provides a sweeping examination of British detention of political prisoners during nineteenth-century colonial expansion in Africa. Lobban asks "how and how far colonial administrators followed the rule of law" when detaining such prisoners (33). The case studies he provides urge a fundamental rethinking of the usefulness of the concept of the rule of law in the context of a British imperial system that relied upon, even while it manipulated, legal categories.

Lobban invokes three distinct contrasts to guide his comparative approach. The first is between two versions of the rule of law: a formalist (or in his terms "strong") and a substantive (or in his terms "weak") version. He argues that the substantive or weak version entailed "not the details of English law. . . but rather its animating spirit," which British officials may have taken into the colonies with them (3). The second set of contrasts is between "lawfare," in which "law itself became the tool of conquest and oppression" (15), and a version of the rule of law in which "legality [was] apt to impinge, and to constrain" official action (39). In this second contrast, it is not always clear if Lobban is building off the previous set of contrasts, or presenting a new one: does lawfare operate within the framework of the rule of law as he traces it in the first set of contrasts, or does it present an example of something entirely outside of that structure? The terminology suggests the latter, with lawfare being the absence of meaningful legal constraint on official action, although in his account, it often appears as the former, with lawfare being either a complement to or an explanation for a weakening (but not elimination) of formalist rule of law protections. Third, in asking why officials adhered to any version of the rule of law, Lobban contrasts two different types of constraint on official