

countries that Piana has chosen as case studies. These chapters present a mixed picture in that some have been noticeably more thoroughly researched than others. Piana traces in depth how the new forms of accountability have taken root in the Czech Republic, Poland, and Hungary. On the other hand, the chapter on Romania relies too heavily on secondary sources. The objectivity of these sources could be challenged, above all on the grounds that the “turning point” for judicial reform in Romania was the appointment of the Justice Minister Macovei. But other research demonstrated that the most radical judicial reform in Romania’s post-1989 history occurred before Macovei under the Social Democratic regime of Adrian Nastase.

Perhaps the most intriguing and thought-provoking insight is the finding that accountability of CEE judges has become trans-/supra-nationalized that is, domestic judges have become accountable to external actors. Piana traces in great detail how the types of accountability above have become consolidated in the CEE accession countries under the influence of trans- and supra-national actors, which include a multitude of judicial networks and epistemic communities that have sprung up around the Council of Europe, the Council of Europe itself, and, as enlargement progressed, the European Commission in Brussels. This transfer of accountability “over the horizon” raises questions about the allegiances of what Piana calls “democratising elites.” *Quis custodiet ipsos custodes?* Does accountability to these elites promote the democracy they claim to be pursuing? Certainly the chain of accountability back to the people at the ballot box is too tenuous to be believed. This form of external accountability that Piana identifies sounds distinctly undemocratic to this reader. It stands in stark contrast to democratic forms of accountability whereby judges are answerable to popularly elected representatives. Normative criticism would have added greater depth to the analysis.

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Justice in Lüritz: Experiencing Socialist Law in East Germany. By Inga Markovits. Princeton, NJ: Princeton University Press, 2010. 244 pp. \$26.95 paper.

Reviewed by Karl F. Schumann, University of Bremen

This book describes the everyday routines of the justice system in East Germany (the GDR) between 1945 and 1990. This system perished on October 3, 1990, the day of the unification of Germany; from that day forward only the laws of West Germany were in force.

Inga Markovits, an expert on GDR law, discovered a treasure trove of court files spanning 45 years in the courthouse of "Lüritz," an East German town to which she has assigned a pseudonym. In addition she found personnel files, search and arrest warrants, citizens' letters and complaints, judges' notebooks, etc. By conducting retrospective interviews with judges, plaintiffs and defendants, and functionaries, the author added accounts to the content of the files, which enabled her to draw a picture of law enforcement "in action" in the GDR from different points of view. Until then the knowledge about the GDR laws was mostly based on codified rules and their official interpretations. Of course, court files as source for descriptions of the everyday practice of justice may suffer from selectivity. Not so for the GDR justice system, says Markovits. They tell much richer stories about the facts and are less filtered for strategic reasons because only rarely were lawyers involved.

The author describes the life course of socialist justice. After the Nazi regime was eliminated, judges were replaced by "people's judges." They acted as missionaries of socialist ideology, trying to educate citizens and form socialist personalities by explaining their judgments to them. The ideological frame counted more than legal criteria did. But over its 40-year life course the GDR justice system changed. The belief in the ideal socialist society faded away, especially at the end of the 1980s. Thus a stronger orientation to legal criteria, a faith in law, characterized especially the decisions of 1988 and 1989.

The book is full of examples of "law in action," documenting a wealth of cases and their ideological and legal framing. And it demonstrates change over time: the exertion of influence on the outcome of cases by the socialist party (SED) became less visible in the files (while it was still there) as time went on (p. 150). Markovits writes comprehensively (chapter 8) on the various partly hidden channels the SED used to direct or influence the decision-making of judges: "security conferences," "telephone law," etc. Judges had to integrate the dual roles of jurist and comrade. In 1988, the primary criterion for evaluating judges' performance was "willingness to put Party decisions into practice" (p. 163).

The ideological character of the law shaped all forms of law. For example, social property was sacrosanct, whereas private property was less protected. In labor law, the employers sued the workers to enforce virtues of work such as punctuality and diligence (p. 45) or to take responsibility for losses in the state-run department store's cash register. Beginning in 1958, the union functionaries who participated in labor litigation argued not for but against the employee (p. 57).

In penal law, predominantly petty political crimes were handled in Lüritz, while more serious political cases were mostly

handled by the Regional Court elsewhere, especially offences investigated by the *Stasi* (security police). After the building of the Berlin Wall in 1961, “asocial behaviour” (mostly refusal to work) became a major topic for the criminal justice system. Later, judges devoted considerable time to cases of attempts to leave the GDR. Would-be escapees whose demands for release from the GDR were turned down were prosecuted for contacting Western authorities or organizing protest among like-minded citizens. Markovits also uses her material to show the imbalance of power in criminal proceedings: warrantless arrest, non-disclosure, exclusion of the public, letting the text of the verdict only be read rather than taken home (p. 193).

The book is a gem in legal history. It describes in vivid language and with unique richness the everyday justice under a socialist regime and may be used in classes for comparative law for the case of negligence of due process. When the book was first published in German in 2006, the reviewers were enthusiastic. Only Erich Buchholz, until 1991 a professor of criminology at Humboldt University then in East Berlin, wrote in the journal of the *Gesellschaft zur rechtlichen und humanitären Unterstützung e.V.* (a self-help organization of former Stasi and SED functionaries) a damning criticism.¹ He asserted that Inga Markovits was unable to interpret the material correctly because she had never lived in the GDR. For example, her analysis of the influence of the SED on judges’ decision-making was wrong, according to Buchholz, because the socialist party had the same aims in establishing a new society as the judges. Buchholz characterized her interpretations as “malicious and hostile.” The choice of these terms, which were widely used by GDR officials until November 1989 to label critics, may in fact illustrate the accuracy of Markovits’ analysis.

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Emergency Politics: Paradox, Law, Democracy. By Bonnie Honig. Princeton, NJ: Princeton University Press, 2009. 218 pp. \$26.95 cloth.

Reviewed by Paul A. Passavant, Hobart and William Smith Colleges

Bonnie Honig’s *Emergency Politics* is a critique of two prominent approaches to political and legal theory. The first approach is that of deliberative democratic theory elaborated by Jürgen Habermas and

¹ Erich Buchholz Ein—unbeabsichtigtes—Loblied auf die DDR-Justiz Information Nr. 5 / Juli 2007 Berlin. Available online at http://www.grh-ev.org/html/body_information_5_07.html.