
Book Reviews

Kathleen E. Hull, Editor

Legal Accents, Legal Borrowing: The International Problem-Solving Court Movement. By James L. Nolan, Jr. Princeton, NJ: Princeton University Press, 2009. Pp. 250. \$35.00 cloth.

Reviewed by Rekha Mirchandani, Bowling Green State University

James Nolan's latest work, *Legal Accents, Legal Borrowing: The International Problem-Solving Court Movement*, a sequel to his path-breaking *Reinventing Justice: The American Drug Court Movement*, is another welcome addition to scholarly research on problem-solving courts (Nolan 2001). In this work, Nolan conducts an ambitious investigation into the ways that the more than 20-year-old American movement has been adopted in six commonwealth countries. The scope of this work is truly impressive as Nolan makes multiple visits to England, Wales, Ireland, Scotland, Australia, and Canada to examine more than 50 courts, conducting hundreds of interviews and observations. The result is a well-researched, well-told, well-analyzed, sometimes humorous account of not only how this American legal institution has been adopted and adjusted by its host countries, but also how it has had significant impacts upon them. Nolan makes a convincing case for the interconnectedness of law and culture and ultimately provides support for theories of global homogenization that suggest the world is being reshaped via an American model.

Nolan introduces the book by retelling the origin story of New York's Red Hook Community Court: the death of a much-loved junior high school principal felled by a stray bullet as he visited students after school and how of the community came together to create a court to end the violence. Nolan thus begins his account of the development of the four major problem-solving courts—community courts, drug courts, domestic violence courts, and mental health courts—and the exportation of the model overseas. As in his earlier work, Nolan brilliantly combines theory and empirical research. In this book, he outlines three main theories associated with problem-solving courts—therapeutic jurisprudence, restorative justice, and legal pragmatism—and explores how they are partly accepted and partly rejected in their non-American contexts. For example, he asks, how is therapeutic

jurisprudence, with its emphasis on emotion, recovery, and the emotional celebration of recovery, carried out in British, Australian, and Canadian settings with their more reserved legal practices and reticent judges? How well does American legal pragmatism with its “just do it” spirit play out in more traditional cultures? And can non-American societies really hold off on the wholesale importation of American legal culture when the very name of the innovation, “problem-solving court,” carries with it the spirit of American optimism and indeed a degree of American hubris? These are provocative questions that Nolan explores in engrossing detail. A major point of the analysis is that law cannot be separated from the culture that houses it, and imported legal forms may carry with them irritants and unexpected consequences for local populations.

Overall, this book makes a tremendous contribution to understanding problem-solving courts in the United States and overseas, but its ambition results in some loss of fine-grain detail. Therapeutic jurisprudence is more descriptive of drug and mental health courts than domestic violence courts in America, where 28 states had mandated that their domestic violence treatment programs use the explicitly nontherapeutic Duluth model by 1998 (Healy, Smith, & O’Sullivan 1998). One characteristic of the Duluth model, now a near monopoly in the United States, is that it erects a “fire-wall’ against . . . therapeutic practices” (Mederos 2002:17). The contrast that Nolan makes between therapeutic American problem-solving courts and nontherapeutic problem-solving courts in other countries, particularly in England and Canada, is thus somewhat overdrawn. On a related note, Nolan does not mention well-established theories such as Dorf and Sabel’s (2000) democratic experimentalism and Tyler’s procedural justice (Tyler & Huo 2002), which emphasize the deliberative and processual features of American problem-solving courts; consequently, Nolan’s characterization of Irish and Scottish problem-solving courts as deliberative *in contrast* to American courts is also overdrawn. Finally, American influence may not be as strong and unidirectional as Nolan suggests. For example, the Summary Justice Reform passed by the Scottish Parliament in 2007 and beginning implementation in 2009 is currently standardizing problem-solving court innovations in Scotland, but this reform was motivated by indigenous goals such as concerns over the slowness of justice and the lack of judicial flexibility rather than by American influence. One wonders whether Appadurai’s (1990) global theory of “scapes,” co-evolving cultural currents and flows without a center or a direction, might be incorporated as another possible model of legal and cultural transmission. But these are minor criticisms in light of this book’s major contribution to understanding problem-solving courts and

their international transmission. It is a must-read for law and society scholars, especially those interested in law and culture, innovations in justice, and globalization, and will be widely accessible to undergraduate and graduate students in law, the social sciences, and humanities as well as researchers and practitioners of law, social work, and criminal justice throughout the world.

References

- Appadurai, Arjun (1990) "Disjuncture and Difference in the Global Cultural Economy," in P. Williams & L. Chrisman, eds., *Colonial Discourse and Post-Colonial Theory*. New York: Columbia Univ. Press.
- Dorf, Michael C., & Charles F. Sabel (2000) "Drug Treatment Courts and Emergent Experimentalist Government," 53 *Vanderbilt Law Rev.* 831.
- Healy, Kerry, Christine Smith, & Chris O'Sullivan (1998) *Batterer Intervention: Program Approaches and Criminal Justice Strategies*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.
- Mederos, Fernando (2002) "Changing Our Visions of Intervention: The Evolution of Programs for Physically Abusive Men," in E. Aldarondo & F. Mederos, eds., *Programs for Men Who Batter: Intervention and Prevention Strategies in a Diverse Society*. Kingston, NJ: Civic Research Institute.
- Nolan, James L. (2001) *Reinventing Justice: The American Drug Court Movement*. Princeton, NJ: Princeton University Press.
- Tyler, Tom R., & Yuen J. Huo (2002) *Trust in the Law*. New York: Russell Sage.

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Women, Crime and Social Harm: Towards a Criminology for the Global Age. By Maureen Cain and Adrian Howe, eds. Oxford, UK: Hart Publishing, 2008. Pp. 234. \$90.00 cloth.

Reviewed by Edna Erez, University of Illinois at Chicago

This thought-provoking collection consists of 11 contributions by invited scholars and activists who presented at the 2003 Oñati Institute workshop on "Women, Crime and Globalization." The book provides a critical exploration of various expressions of women's victimization in the context of globalization, setting the stage for an emergent feminist global criminology. The contributors, most of whom have their academic homes in law or social sciences, focus on both legally recognized injuries (such as rape, domestic violence, theft) and those that are not legally sanctioned as yet. Some of the injuries examined are apparent and familiar, while others are subtle or have not been discussed in the context of globalization. The authors shed light on harms that result from actions of nation-states, multinational corporations, and international organizations