

This book will be useful for scholars of cause lawyers and social movements, and graduate students in law and society or social movements courses. Although the volume is interdisciplinary, it would probably be most practical for political scientists and sociologists.

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*Law and Globalization from Below: Towards a Cosmopolitan Legality.*

Edited by Boaventura de Sousa Santos and César A. Rodríguez-Garavito. Cambridge, United Kingdom: Cambridge University Press, 2005. Pp. xv+395. \$95.00 cloth; \$45.00 paper; \$36.00 e-book.

Reviewed by John Boli, Emory University

In counterpoint to top-down globalization studies focusing on intergovernmental organizations (IGOs) such as the World Trade Organization and International Monetary Fund, globe-spanning transnational corporations, or geopolitics among powerful states, the past decade or so has seen the emergence of a rapidly growing library of bottom-up views of globalization. Many of these works adopt the terminology and imagery of subaltern studies, building more or less explicitly on Gramsci's analysis of the role of ideology in reinforcing dominance-subordination relationships. The editors frame this collection in such terms in their introductory chapter, welcoming the many "counter-hegemonic" movements that challenge power centers in world society and depicting them as developers and beneficiaries of a "subaltern cosmopolitan legality." By this they mean commitment in use of the law to the principle of universal inclusion: the poor, the powerless, and the marginalized must be empowered as rights-endowed subjects with access to all of the available legal channels, and they are to be accorded sincere respect in their efforts to meet their needs and protect or improve their life circumstances. The normative underpinnings of the volume are abundantly clear.

"Globalization from below" translates into efforts by those at the low end of the social scale to cope with and shape the impact of powerful globalizing actors, particularly transnational corporations and economic "global governance" IGOs (the economic dimension of globalization is the chief focus, though some chapters consider other dimensions). To some extent, it also translates into the globalization of the movements themselves, as local movements form cross-border alliances with similar movements elsewhere, seek and gain support from global nongovernmental organizations (NGOs), and "venue shop" for foreign jurisdictions where national law can be invoked to rein in corporate behavior (as in the famous 1996

California case, under the Alien Tort Claims Act, that charged Unocal with human rights violations related to its gas pipeline project in Burma).

The introductory chapter is only a frame, however. The collage of 15 chapters that fill the frame consists mostly of case studies of a variety of counterhegemonic movements, with little attention to the epistemological concerns of the rather abstruse “critical theory” approach developed in the introduction. The chapters cover many different places and spaces, from the World Social Forum to indigenous rights struggles in Colombia to constitutional interpretation in India to the Movement of the Landless in Brazil. These case studies are largely devoid of explicit theorizing or theory-building; they concentrate on their stories, with much detail about movement histories, legal and nonlegal (sometimes illegal) actions, legal successes and failures, and so on. In most chapters, the law is at issue at numerous levels. At times, movements challenge local ordinances, municipal plans, or national development projects; at times they focus on interpretations or implementation of national legislation; at times they invoke or challenge regional accords and regulation (NAFTA, the European Union). They also invoke principles and conceptions derived from all-encompassing international law—both the “hard” law embodied in treaties and IGOs and the “soft” law of human rights doctrine and conventions, voluntary corporate codes of ethics or behavior, and the like. Depictions of the shifting use and concern for these different levels of the law comprise one of the books’ chief strengths.

I found four of the chapters especially interesting. Larson analyzes the tensions surrounding Texas *colonias* (unregulated housing developments), whose residents oppose zoning and building code enforcement because it would deprive them of the only housing they can afford. She promotes the concept of “progressive realization,” practiced in Mexico, whereby informal housing areas are gradually incorporated into both standard infrastructure systems (water, sewers, power) and legal codes. The de Sousa Santos chapter on participatory budgeting in Porto Alegre, Brazil, may barely engage issues of globalization, but it provides a fascinating look at an innovative mechanism for bringing residents of all social backgrounds into the process of setting highly specific priorities for city spending. Shamir’s chapter on corporate social responsibility (CSR) sheds light on the complex issues involved in the ongoing professionalization and commercialization of CSR activity, which may improve corporate behavior modestly but dulls the edge of corporate criticism and threatens to make CSR little more than an exercise in image-polishing. Finally, the chapter on gender budgeting in Tanzania, by Rusimbi and Mbilinyi, traces the efforts of two women’s NGOs to democratize the processes by which

resources are allocated, particularly to meet the needs and special concerns of women. While these efforts have not yet yielded much in the way of concrete results, they have given a big boost to the vitality and interconnectedness of Tanzanian civil society.

A few of the chapters cover familiar ground, e.g., Rodríguez-Garavito's chapter on Nike and the antisweatshop movement, de Sousa Santos's chapter on the World Social Forum, and Rajagopal's chapter on the anti-dam movement in the Narmada Valley in India. Some limit their scope primarily to the national or international rather than global level, e.g., Rusimbi and Mbilinyi on Tanzania and Larson on Texas colonias. But almost all the chapters give solid, thoughtful treatments of their topics, and taken as a whole they serve as a very good introduction to the ways in which locally anchored, globally linked issues have entered the legal arena.

The main weakness of the volume, as I see it, is that it largely fails to answer the editors' call for a theory of subaltern cosmopolitan legality (a regrettably clumsy term). Such a theory would entail efforts to understand the conditions under which different levels of law are invoked, the nature of bureaucratic and judicial responses to legal action by marginalized citizens, factors explaining the varying degrees of success of the complainants, and so on. The book provides much empirical grist for the theorist's mill regarding such matters but does little of the grinding itself.

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*Punishment and Inequality in America*. By Bruce Western. New York: Russell Sage Foundation, 2006. Pp. 247. \$29.95 cloth.

Reviewed by Darren Wheelock, Marquette University

There are currently more individuals incarcerated and individuals with felon status than at any other point in U.S. history. Scholars from diverse fields have turned their attention to the nearly 700,000 individuals released annually from prisons, the more than 9 million felons and ex-felons, and the web of disadvantage these individuals face because of their felon status. Informal consequences (such as discrimination and depressed levels of human capital) join with formal consequences (laws that disqualify individuals from voting, serving as jurors, and holding numerous occupations) to maintain and possibly worsen racial and ethnic inequality across social institutions. Research is just beginning to show the empirical impact of these consequences; there is little doubt that trends in criminal punishment have disadvantaged large numbers of racial minorities.