

transitional justice will open the door to greater complexity and create space for “actors other than the state or ‘state-like’ institutions” (McEvoy, p. 44). This raises a basic question about transitional justice as a field of practice and normative inquiry. The overwhelming emphasis on gross violations of civil and political rights means that global inequalities, social injustice, and economic crimes fall outside mainstream considerations. “Truth” is circumscribed, international and domestic bystanders are unaccountable, and the sorts of social inequalities—gendered, ethnic, political, economic—that underlie conflict are weakly remedied. *Transitional Justice From Below* rightly criticizes the field as being too narrow. But if transitional justice reaches out more fully to rectify social inequality and structural violence, what makes it “transitional” rather than simply “justice”? The question is not simply semantic. Governments deploy the current toolkit and language of transitional justice even as they “other” victims, minimize their own involvement, and consolidate unequal power relations (Stanley, Diaz, Lundy & McGovern, McGregor, McEvoy, Cavallaro & Albuja). This rich collection of essays pushes for more justice even as it declines to comment on the limits of *transitional* justice as a distinctive undertaking.

Reference

United Nations Secretary-General (2004) *Report on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, UN Doc. S/2004/616 (24 Aug.).

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Mothers Without Citizenship: Asian Immigrant Families and the Consequences of Welfare Reform. By Lynn Fujiwara. Minneapolis: University of Minnesota Press, 2008. Pp. ix+241. \$67.50 cloth; \$22.50 paper.

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In *Mothers Without Citizenship: Asian Immigrant Families and the Consequences of Welfare Reform*, Fujiwara chronicles the impact of the 1996 immigration and welfare reform laws on Asian immigrant and refugee groups, particularly those living in the Bay Area of Northern California. The book is a devastating critique of the impact of the 1996 welfare reforms on some of the hardest hit: poor, uneducated, and disabled immigrant and refugee women from Asia who, because they were not U.S. citizens, faced the loss of benefits. It also shows how citizenship law and policy served as a technology of exclusion for those immigrant and refugee women not fully capable of naturalizing because of the

barriers of education, language, and disability. The book, based on two years of “participatory research,” also demonstrates how federal policy served as the catalyst for a community response and advocacy to protect this marginalized, almost invisible group from further social and psychological harm. Yet Fujiwara also demonstrates that, despite the best intentions of the advocacy community, citizenship assistance was often an illusory goal for the elderly and disabled, and restoration of Supplemental Security Income (SSI) benefits through legislative reform came too late for too many.

Fujiwara’s ethnographic study employs a model of participatory research that “is characterized by the intent to implement social change not from the top down but rather by following the course of action led by community participants” (p. xxv). In addition to attending meetings with government officials and community organizations, Fujiwara participated in naturalization drives and taught a citizenship class for immigrants to gain a first-hand account of the obstacles faced on the path to citizenship. Initially, her plan was to interview immigrant welfare recipients at risk of losing benefits, but she ultimately abandoned this approach because of the fear she encountered from many of her subjects, shifting her methodology to study the impact of welfare reform at the community level.

Yet despite this methodological shift, Fujiwara successfully captures the impact of welfare reform on the lives of the women she studied. Some of the most devastating passages of her book are where she describes the fear and panic that affected the immigrant community in the Bay Area upon learning of the impending loss of benefits and the despair faced by many immigrants and refugees unable, despite repeated efforts, to pass the citizenship exam (pp. 78–80; 108–12). Fujiwara’s account of the impact of welfare reform on members of the Hmong community in Chapter 3, “Refugees Betrayed,” is particularly powerful. Fleeing their homeland after working for the CIA as guerrillas during the Vietnam War, many Hmong escaped into the jungles of Thailand, living for years in refugee camps before finding permanent refuge in the United States. Coming from tribal villages with no electricity, running water, or written language, many Hmong became dependent on public assistance in the United States. The book powerfully chronicles the story of Chia Yang, a 54-year-old Hmong woman who hung herself in October 1997 after learning that her SSI benefits would be discontinued because she was not a U.S. citizen (pp. 51–4). Having twice failed her citizenship exam, Yang fell into deep despair before committing suicide. She left behind an audiotape tucked into her traditional Hmong funeral clothes, where she blamed welfare reform for her death. A survivor of war and atroc-

ity in her home country, Chia Yang, like many Hmong, viewed welfare reform as the ultimate betrayal by the U.S. government and chose, like other elderly and disabled refugees in similar circumstances (pp. 78–9), to end her own life rather than further burden her family (p. 53).

Fujiwara's book is at its strongest where it documents the impact of welfare reform and the technology of exclusion on the lives of the women she studied. There is a disconnect, however, between the analytical framework of "multilayered citizenship" that she develops in Chapter 2 and returns to in her conclusion and the intervening chapters. In Chapter 2 she posits a dialectical theory of "the logic of encompassment" to explain the politics of citizenship (pp. 46–7). Citing the work of Yuval-Davis (1999), she describes the "logic of encompassment [as] an approach that pushes immigration scholars to examine citizenship as a dialogical and relational process embedded in cultural and associational life" (p. 47), but it is unclear to what extent she is relying on the work of Yuval-Davis and to what extent she is building on that work to develop a new model. Although she comes back to the logic of encompassment and multilayered citizenship in her conclusion, she tends to reiterate her earlier discussion without showing how this model furthers an understanding of the rich story she has told in the intervening chapters (pp. 188–92). More helpful is her discussion of sociologist Avery Gordon's (1997) powerful imagery of "haunting" as a framework for understanding the "complex personhood" of poor Asian immigrant and refugee women who have faced the traumas of war, sexual violence, and dislocation, only to now confront state-sanctioned violence in the form of social and economic abandonment (p. 181).

The final pages of the book attempt to link the 1996 reforms to events since September 11, 2001, suggesting that the demonization of Southeast Asians in 1996 as "the enemy to whom Americans lost the war" (p. 190) parallels the demonization of Muslims as terrorists since September 11 (p. 194). She describes how in the new political climate "the 'enemy immigrant' [has] matriculated from 'welfare cheat' to 'suspected terrorist' " (p. 194). In characterizing current policy debates as reflecting "an embedded immigrant discourse and policy established nearly ten years before" (p. 196), she may be overexaggerating the historical significance of the 1996 reforms as laying the groundwork for current nativist tendencies. Indeed, in Chapter 4, "The Rush for Citizenship," Fujiwara effectively weaves a brief history of U.S. exclusion laws targeted at Chinese and Japanese immigrants into a discussion of modern-day obstacles to citizenship faced by Asian immigrants, thus underscoring the nativist tendencies that have targeted Asian immigrants for well over a century (pp. 96–101).

Well-written, well-researched, and at times haunting, *Mothers Without Citizenship* is an important contribution to the scholarly literature on the 1996 immigration and welfare reforms and their impact on the lives of immigrant and refugee women.

References

- Gordon, Avery (1997) *Ghostly Matters: Haunting and the Sociological Imagination*. Minneapolis: Univ. of Minnesota Press.
- Yuval-Davis, Nira (1999) "The 'Multi-Layered Citizen': Citizenship in the Age of 'Globalization,'" 1 *International Feminist J. of Politics* 119–36.

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Law and Society in Vietnam: The Transition From Socialism in Comparative Perspective. By Mark Sidel. New York: Cambridge University Press, 2008. Pp. x+256. \$110.00 cloth.

Reviewed by Judith Henchy, University of Washington

This excellent book illustrates the ways in which the socialist state of Vietnam responded to the legal necessities of post-*đổi mới* (renovation) integration into world affairs. Sidel's compellingly readable account explores the philosophical challenges to the one-party state in this transition, including demands for greater personal autonomy and state accountability under the law. As such, it is an invaluable work not only for the comparative law class, but also for many social science disciplines with an interest in Vietnam in particular and transitional socialist states in general. Sidel grounds his discussion in the early period of the Democratic Republic, when it embraced many disparate forces, and shows how the state was never able to completely reconcile these rebellious tendencies. By the 1950s, consolidation of state control reinforced the paradigm of constitutional instrumentalism—where law is subservient to state power—which Sidel notes is the dominant analytical framework through which Western scholars regard constitutional law under socialism.

Sidel explores the tensions between the state's desire for control and its search for legitimacy in a constitution "rhetorically generous in rights and privileges granted but politically dominated . . ." (p. 19). It is this paradox that constrains the excesses of one-party rule. For instance, he notes that the reporting of the Fatherland Front's newspaper *Đại Đoàn Kết* challenged press restrictions during a high-profile Hanoi murder and corruption case in 1993. Even this Party-led organization of intellectuals and cultural figures, beginning in the late 1980s, had become accustomed to "increasingly seeking to push the government on social, intellectual,