

use of civil and administrative tools. The legal details differ—some differences are more important than others—but the general process is the same. The Antisocial Behaviour Orders in England and Wales and administrative orders used in many European cities, especially in Italy, Spain, and Germany, have much in common with Seattle's banishment orders. Administrative laws are used to recriminalize behaviors once decriminalized (like vagrancy and prostitution), to anticipate future new crime offenses, and to make criminal consequences more probable or harsher. Civil laws addressing social marginality, poverty, soft crimes, and other undesirable behaviors are playing an increasingly important role in redesigning urban social control in many countries.

*Banished* is an important book. With passionate arguments that never stray far from the solid research the book presents, Beckett and Herbert demonstrate the drift in late modern urban life toward increasingly repressive and intrusive forms of social control that potentially threaten the liberty and autonomy that have long been said—even for the disadvantaged and dispossessed—to be the most desirable and distinctive features of life in advanced democratic states.

Banishment orders in Seattle accomplished little of what their proponents hoped to achieve. Instead, they diminished the lives of the people they targeted and cost more than more inclusive approaches would have. According to Beckett and Herber, there must be a better way: "A more inclusive and proactive approach to the problems facing many of those deemed disorderly would not only more effectively address those issues but also avoid contributing to the stigmatization and marginalization of those deemed disorderly" (139).

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*Comparative Criminal Justice: Making Sense of Difference.* By David Nelken. Los Angeles: Sage, 2010. 136 pp. \$24.95 paper.

Reviewed by James L. Nolan Jr., Williams College

In *Comparative Criminal Justice*, David Nelken asks important questions of, and offers helpful insights into, the enterprise of comparative legal studies. In Geertzian fashion, he endorses an analytical focus emphasizing depth in cultural knowledge over breadth in scope. A sustained concentration on local knowledge and the cultural determinants of law allows the researcher, says Nelken, to

appreciate such conceptual distinctions as the difference between “law in books,” the black-letter law of legal documents and statutes, and “law in action,” how the law is actually applied (or not) in real-life situations. Without this on-the-ground knowledge of local habits, comparativists may miss the most salient dimensions of legal behavior and fail to compare the most relevant units of analysis in making sense of difference (and sameness).

While *Comparative Criminal Justice* is largely conceptual, the book is far from an exercise in abstract theorizing. Throughout the book, Nelken offers useful examples and cites interesting case studies to illustrate his points. One learns, for example, about the pragmatism of the Dutch, the unique reformation efforts of the Japanese (a rapist was instructed to write a haiku), and the low crime and prison rates in Saudi Arabia. He gives particular attention to three running examples of Italian legal peculiarities: obligatory prosecution, the juvenile justice system, and court delays. The reader unfamiliar with Italian criminal law (and related processes in other countries) will likely wish for more background and a fuller introduction to these legal practices; nevertheless, the cases helpfully illustrate broader comparative themes offered in the book.

When discussing Italy’s notoriously long court delays, Nelken uses this particularity of the Italian criminal justice system to highlight the important place of culture in making sense of legal differences. From Anglo-American eyes, Italian court delays look grossly inefficient. Efficiency itself, though, is a culturally determined predilection. That is, the Italian disregard of efficiency and pragmatic solutions to legal problems is a reflection of a culture that values a slower and more relaxed approach to life more generally. In Italy, “the spiritual home of the slowness movement” (24), pragmatism and speed are not extolled as they are in places like the United States and the Netherlands. Connecting this quality of Italian culture to law, Nelken observes, “Perhaps slow food and fast trials are incompatible?” (24).

Nelken also draws on his knowledge of Italian law and culture to make sense of differences in prison rates. He sees both “explanation” and “interpretation” as important features of comparative work, and he endorses an approach that combines the two (45–48). To illustrate, he cites a neo-Marxist explanation for the unusually high prison rates of the United States, but sees this as only the starting point in a larger, more complicated story. Also necessary are interpretative understandings of society that extend beyond single-cause explanations centered on political economy. Italy has a lower prison population not just because of its “conservative-corporatist” as opposed to “neo-liberal” political economy (60), but also because of the continuing resonance of the religiously informed notions of solidarity and forgiveness. This cultural emphasis represents a

contrast with American sensibilities, whereby, as Nelken observes, “from their public pronouncements it would seem that many leaders in the USA are against ‘forgiveness’” (68).

In the book’s final chapter, Nelken offers a reflexive discussion of the various approaches to comparative research: “virtually there,” where the researcher relies on the observations and writings of others, “researching there,” where the observer has direct contact with informants from the country being studied, and “living there,” where the comparativist actually lives in another country for an extended period of time in order to achieve the kind of in-depth understanding of a foreign legal culture that is so important to comparative work (93–97). Not everyone can participate in the “living there” research method that Nelken seems to favor—though not without qualification. That said, the reader will certainly appreciate the good use Nelken has made of his opportunity to live in Italy for many years.

*Comparative Criminal Justice* will be of great value to those who are interested in comparative research, legal and otherwise. Those directly engaged in comparative work will benefit from the book’s insightful questions and helpful analytical categories. In our globalized late-modern world, comparative assessments have become nearly inescapable. Intersections between distinct legal entities—whether through “convergence,” “copying,” or “collaboration”—are increasingly commonplace (81–83). Studying law of any sort, then, almost necessarily involves some consideration of comparative differences and/or recognition of the influence that one legal system has on another. Appreciating the nature and extent of these influences allows the researcher to transcend the pitfalls of ethnocentrism (one of the benefits, says Nelken, of comparative law). *Comparative Criminal Justice* will aid those wishing to achieve this perspective and will serve as a useful text, at both the graduate and undergraduate levels, for courses in criminology, law and society, legal studies, sociology, and comparative law.

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*Negotiating Justice: Progressive Lawyering, Low-Income Clients, and the Quest for Social Change.* By Corey S. Shdaimah. New York: New York University Press, 2009. 240 pp. \$55.00 cloth.

Reviewed by Rebecca L. Sandefur, American Bar Foundation

All scholarly literatures, even the most well meaning, tend unfortunately toward insularity and self-regard. The tendency reflects