

The Last Political Law Lord: Lord Sumner (1859–1934). By Antony Lentin. Newcastle-upon-Tyne, UK: Cambridge Scholars Publishing, 2008. Pp. 293. \$69.99 cloth.

Reviewed by Wendy A. Matlock, Kansas State University

Antony Lentin's biography of John Andrew Hamilton, who in 1913 became Lord Sumner when he was appointed a Lord of Appeal in Ordinary (a Law Lord), is timely. The year 2009 sees both the 150th anniversary of Lord Sumner's birth and the establishment of the U.K. Supreme Court as separate from the House of Lords. The new Supreme Court justices serve no legislative function, as they are prohibited from serving in Parliament. Lord Sumner's career provides an early example of the desire for a politically neutral judiciary, as he was the first High Court judge appointed for his work as a lawyer rather than for his contributions in party politics.

As the title suggests, Lentin's biography highlights Lord Sumner's transitional status as a Law Lord. Indeed, the biography develops two dominant narratives: first, Lord Sumner's resistance to changing times, and second, his frustrated ambition. In the first category, Lord Sumner's biography provides a window into the legal and cultural shifts of the early twentieth century. Lord Sumner came of age in an era when judges were increasingly expected to remain impartial on political matters, and his progress to the bench exemplified this trend. His outspokenness on controversial issues, however, makes it impossible to consider him apolitical. Lord Sumner's often-eloquent speeches on subjects ranging from reform of the House of Lords (he supported it) to self-government in India (he opposed it) provoked his opponents to lambast him for partisanship. Thus, he could serve as an example of both the old and the new models of a Law Lord. Lord Sumner's history also provides a window into the end of the imperial era. As Lentin remarks, "Sumner was an imperialist when the Empire both reached and passed its zenith" (p. 246). Indeed, Lord Sumner spent his retirement years decrying the diminution of the British Empire, particularly in regard to India.

The second narrative strand is the more personal of the two, chronicling the slow beginnings of Lord Sumner's legal career and his failure to obtain the office of Lord Chancellor. Lord Sumner was raised in a middle-class family and benefitted from an excellent education in classics at Manchester Grammar School and Balliol College, Oxford. He was called to the bar in 1883 and soon became the assistant of a successful commercial lawyer. He attracted little work, however, and earned a living primarily through writing biographies. He was among the first contributors to *The Dictionary of National*

Biography, composing around 300 entries, and he published one book, *Life of Daniel O'Connell* (1888). Eventually he did establish himself as a commercial lawyer, and his subsequent rise to the Court of Appeal and then to the House of Lords was rapid. Despite being well qualified and ambitious and having been considered for the office by several Prime Ministers, Lord Sumner never became Lord Chancellor, leading Lentin to speculate that this "failure no doubt fed his chronic feelings of deprivation, the sense, noted by Schuster, that he was not prized at his true value" (p. 158). Lentin sympathizes with his subject, but he is measured in his speculation, basing it on contemporary letters, memoirs, and biographies.

The majority of the biography concerns Lord Sumner's public life and work. One of his primary nonjudicial appointments was to the 1919 Paris Peace Conference as principal British delegate on reparations, and his insistence on securing a substantial reimbursement for Britain earned him the enmity of economist John Maynard Keynes. Although he was frequently characterized as a Tory, Lord Sumner's politics, nonetheless, are difficult to classify. On the one hand, he opposed Irish Home Rule, speaking in the House of Lords against negotiating with Sinn Féin and against the Anglo-Irish Treaty of 1921. On the other hand, his decision in *Johnstone v. Pedlar* (1921) found in favor of an Irish-born, naturalized American citizen who joined Sinn Féin in its fight to break with the United Kingdom. Lentin explains this latter position as "respect for the rule of law," as Lord Sumner considered the case "an attempt by the Executive to flout the Constitution" (p. 133). Lord Sumner always supported the power of Parliament against the encroachments of the executive.

Lentin's biography provides a well-researched, nuanced portrait of a complex man, suitable for a wide audience. The discussion of Lord Sumner's cases should prove useful to legal scholars, especially since his judgments continue to be cited in myriad national courts. Historians will benefit from the analysis of Lord Sumner's participation in events such as the Paris Peace Conference, and the examples of Lord Sumner's colonialist ideology will interest postcolonial scholars. Finally, the book may appeal to more general readers as it describes early-twentieth-century debates about currently topical issues, including how a state should deal with terrorism, the desirability of judicial activism, and the appropriate balance of powers between executive, legislative, and judicial authorities.

Reference

Hamilton, John A. (1888) *Life of Daniel O'Connell*. London: W. H. Allen & Co.

Case Cited

Johnstone v. Pedlar, 2 A.C. 294 (1921).

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Controlling Crime, Controlling Society: Thinking about Crime in Europe and America. By Dario Melossi. Cambridge, UK: Polity Press, 2008. Pp. xii+310. \$24.95 paper.

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Although many books provide descriptive overviews of major criminological theories, few authors have endeavored to sociologically explain the emergence of influential schools of criminological thought. Why, for instance, does a given line of scholarship come into fruition at a particular time and place? What is the relationship between knowledge about crime, prevailing theories of social order, and the organization of the state? And in what ways are theoretical developments in the study of crime and deviance related to the practice of punishment and the larger public discourse about crime? In *Controlling Crime, Controlling Society: Thinking about Crime in Europe and America*, Dario Melossi takes a major step toward answering these and related questions while simultaneously providing instructive summaries of influential perspectives on deviance and social control that came to light in Europe and the United States during the past two centuries. Melossi refreshingly goes beyond textbook-style overviews of criminological theories and gives sustained attention to the sociopolitical context in which these theories arose. In this sense, his book contributes as much to the sociology of knowledge as to the study of crime and punishment.

Melossi's primary objective is to reconstruct the ways of thinking about crime and social control "in relation to the different modes of social organization and the prevailing concepts of 'deviance' and 'crime' therein" (p. xi). He posits that societies oscillate between two ideal-typical scenarios, each entailing very different views on crime and punishment. One is an inclusionary model in which criminals are viewed as products of social institutions, criminological scholarship tends to be sympathetic toward deviants and critical of the state, and imprisonment rates are low or declining. This climate of tolerance, exemplified by the 1960s and the prominence of labeling theory, often occurs during periods of prosperity and when society conceives of itself as a "plural and conflicted entity" (p. 8). By contrast, an exclusionary penal model emphasizes criminals as morally repugnant with fixed antisocial propensities. In this scenario the public and criminologists are highly critical of reform agendas, and imprisonment rates tend to be high. This