

elites and “exploitative market forces” (p. 200). While donor-sponsored legal aid projects promoted public interest law, they did little to enhance access to justice or rights. He is also critical of the donor community for not focusing on the broader question of legal education, as it had in China. As he shows, historically it was independent legal research institutions that constrained the instrumentalizing tendencies of Party control.

Finally, as noted in the introduction, some materials presented have been adapted from previously published articles, which may account for some repetition in the book. While this is not a substantial distraction from its arguments, it is perhaps reason to question its \$110 price tag. It is also disappointing that a book of this price and stature neither carries Vietnamese language diacritics nor includes a clarifying glossary.

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*The Perils of Federalism: Race, Poverty, and the Politics of Crime Control.* By Lisa L. Miller. New York: Oxford University Press, 2008. Pp. v+254. \$39.95 cloth.

Reviewed by Doris Marie Provine, Arizona State University

This book explores the ever-timely topic of crime control from the perspective of communities that suffer high rates of criminal violence but tend to be marginalized by the political process. Miller’s target is not racism or class prejudice per se, but the structure of contemporary American federalism, which advantages policy bureaucrats, professional advocates, and moral entrepreneurs over the community members who feel the brunt of criminal violence and insensitive crime-control policies. The root of the problem, Miller suggests, is a federal structure that allows too many entry points for advocates. The local voices tend to get lost at the state and national level.

Miller focuses on the problem of gun control, offering readers the example of Philadelphia’s efforts to track concealed weapons. The policy was popular in Philadelphia, but not in the state legislature, which rejected the city’s efforts to set standards for gun purchases. Had this book been written after *District of Columbia v. Heller* (554 U.S. — [2008]), Miller might have added the Supreme Court as another top-down institution that is not particularly sensitive to how local communities experience crime and violence.

Her target, however, is not the tendency for more and more policies to be pre-empted by Congress, the executive, or the Supreme Court, a trend toward nationalization that has been praised and blamed by others (see, e.g., Feeley & Rubin 2008 and Chemerinsky 2008). Rather, her argument is with the growing

porosity of the system as a whole, a trend that she labels “federalization.” This is a difficult argument to sustain on a broad scale. For example, as Miller herself points out, in the civil rights era, national-level intervention was needed to combat local racism in the Southern states. Contemporary crime policy, however, tends to work in the opposite direction, with the state and national level squelching progressive local solutions arising from local experience in poor, heavily minority urban neighborhoods.

To support her argument, Miller provides an in-depth look at the policymaking process in two Pennsylvania cities, Pittsburgh and Philadelphia. She looks at the front end of the process, where approaches to issues are hammered out. The communities most affected by gun violence, she shows, do get their voices heard at the city level. And their suggestions tend to be multifaceted and oriented toward prevention and economic development, rather than punishment. At the state and national level, however, these progressive voices tend to fade away for lack of organizational and financial resources. The advocacy network that emerges at these higher levels is dominated by policing-oriented bureaucrats, self-interested professionals, and single-interest organizations. Individuals testifying to their own experiences in their neighborhoods are virtually absent. She makes this comparative point by analyzing witness lists and topics of legislative hearings at various levels of government.

Miller contextualizes her empirical evidence with a helpful review of scholarly literatures that speak to citizen participation, interest group liberalism, American pluralism, and crime control policy. She notes an absence of attention to federalization as a disenfranchising process for society’s most vulnerable populations. Miller also provides historical context with a chapter on congressional involvement in crime legislation. She shows that Congress has always been interested in crime policy, though the topics of its concerns wax and wane. The picture that emerges is of a federal level susceptible to moral panic and unduly influenced by self-interested moral entrepreneurs. The contrast is stark when compared with the first-hand accounts of local residents complaining to their city councils. There is no substitute, she implies, for local community participation in crime control policy. Even progressive organizations such as the American Civil Liberties Union tend to focus too narrowly on equities and rights in their response to policy proposals.

Gun control, or even crime control policy, offers a rather narrow base for a re-visioning of the federal system, and Miller refrains from offering comprehensive solutions. This is both a limitation and strength of this study. Miller does not take on advocates of any particular position on state/federal/local control of

the policymaking process, nor does she offer a framework that finesses the issues of pre-emption that are implicit in her work. But at the same time, she avoids being blindsided by generalizing from a single, important case to the complex realm of policymaking in a federal system. The book is most effective in arguing that all Americans suffer from a democratic deficit in criminal justice policymaking. The current approach frustrates local communities by shutting them out of the policymaking process, while favoring those who are most enthusiastic about maintaining the current repressive system.

### References

- Chemerinsky, Erwin (2008) *Enhancing Government: Federalism for the 21<sup>st</sup> Century*. Stanford, CA: Stanford University Press.
- Feeley, Malcolm M., & Edward Rubin (2008) *Federalism: Political Identity and Tragic Compromise*. Ann Arbor: Univ. of Michigan Press.

### Case Cited

*District of Columbia v. Heller* 554 U.S. (2008).

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*Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*. By Todd Clear. New York: Oxford University Press, 2007. Pp. xv+255. \$21.95 paper.

Reviewed by Traci Burch, Northwestern University and the American Bar Foundation

Clear's *Imprisoning Communities* provides a thoughtful and provocative look at how "mass incarceration" has increased crime and other social ills in troubled neighborhoods. Clear argues, "If people convicted of crimes are not solely a drain . . . their removal is not solely a positive act but also imposes losses on those networks and their capacity for strengthened community life" (p. 86). Insofar as people convicted of crimes provide benefits to their communities, imprisoning large numbers of convicted offenders from particular demographic or geographic subgroups should have negative consequences for their neighborhoods.

To test this claim, Clear compiles evidence from prior research on the effects of imprisonment for many neighborhood outcomes. Clear also discusses statistical analyses of the effects of imprisonment on crime rates in Tallahassee, Florida (from external articles) and interviewed 26 people living in two high-incarceration neigh-