

both an affective and intellectual level. Symbolically, this chapter provides a momentary pause and a timely reminder of the personal realities that underpin the need for this book. Then, Deer launches into the final four chapters, which critically consider recent legal reforms that have further contributed to outrageous levels of rape. In the concluding sections, Deer proposes a range of survivor-centric approaches and self-determination-based remedies that may begin to “decolonize” America and address the “vacuum of justice” (p. xiii) that exists for so many Native women.

Throughout her book, Deer demonstrates an impressive command of a range of complex content. She writes with passion and pain of the many generations of women burdened with unspeakable trauma, yet never loses sight of the broader dimensions of the problem. Grand themes like law, society, power, politics, colonialism, structure, institution, oppression, race, sex, identity, spirituality, and belief systems are artfully woven throughout the cohesive and compelling narrative. Deer’s writing is engaging and refreshing, making reading this book—despite its challenging content—a pleasure. Unlike much academic literature, it is light on discipline-specific jargon, thus continuing in the tradition of feminist political writers who show a determination to produce work that is accessible to a wide readership. Accordingly, this publication will be of great use to scholars and practitioners in a variety of fields. It is an excellent example of innovative interdisciplinary work and is highly recommended for those working in law, criminology, politics, history, public affairs, indigenous, postcolonial, sex and gender studies, and in the areas of peace, conflict, justice, and transitional justice.

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The Political Roots of Racial Tracking in American Criminal Justice.

By Nina M. Moore. New York: Cambridge University Press, 2015. 406 pp. \$30.99 paperback.

Reviewed by Bryan L. Sykes, University of California-Irvine

In April 2016, Black Lives Matter (BLM) protesters clashed with Bill Clinton over his role in the passage of the 1994 Crime Bill and Hillary Clinton’s use of the term “super predators” to describe the involvement of black youth in criminal offenses. Demonstrators sought to highlight how policymakers and the general public construct narratives and social policies that fuel misperceptions,

thereby deepening racial inequality in criminal justice practices throughout the United States. Political pundits largely glossed over the substance of protester concerns because the crime bill did not explicitly target specific racial groups. To address the essence of the BLM critique would require a theory of the policy process that explains racial inequality in criminal justice experiences. Nina Moore's book, *The Political Roots of Racial Tracking in American Criminal Justice*, provides such a policy process framework.

Moore examines the mechanisms that give rise to racial disparities in the criminal justice system and explains why these inequities persist despite considerable national attention to issues of fairness and justice. Her book makes two arguments. First, Moore argues that there are two racially distinct modes of criminal law enforcement in the United States: one white and one black. She contends that racial tracking in the criminal justice system must be evaluated sequentially, from initial contact with police officers to differences in plea negotiations with prosecutors, both of which culminate in racialized differences in pretrial court decisions and prison experiences.

The second argument advanced by Moore is that racial tracking in criminal justice persists precisely because policymakers and the American public allow different modalities of law enforcement, even when stark differences in applications of justice contravene constitutional rights to due process and equal protection. She presents a basic principles policy process that anchors empirical insights and disagreements in the study of policymaking with commonalities expressed in varied policy perspectives. By drawing on six policy process axioms—principles that focus on politics, systems, opportunities, multidimensionality, power players, and problem-process kinship—Moore articulates a seventh maxim, the *public origins principle*, that fully integrates these perspectives to produce a theory of racial tracking in criminal justice.

This is an impressive piece of socio-legal scholarship. Five empirical chapters thoroughly enumerate and rigorously evaluate how colorblind Supreme Court decisions, public opinion polls, political party politics, and congressional agendas impede racial equality in criminal justice. Moore critically analyzes twenty-three Sixth Amendment cases affecting the right to counsel, eighteen Fifth Amendment cases, and twenty of the most noted capital punishment decisions. In each instance, she shows how the Court's reasoning and decision-making process represents a longstanding use of colorblind jurisprudence that is not localized to any one decision or to a handful of cases; instead, her work uncovers how the Court systematically legitimates persistent racial inequalities in law enforcement methods.

Professor Moore also presents an in-depth analysis of public opinions on racial progress, criminal victimization, and criminal justice policy in America. She draws on quantitative data from a variety of sources—the National Crime Victimization Survey, the General Social Survey, Pew and Gallup Opinion Polls, and others—to show how there is little concern about racial disproportionality in the public consciousness because many people believe that an equitable resolution is in the works. Yet, where serious concerns about racial inequalities are observed, such anxieties focus on widespread racism against whites. Understanding why members of the public perceive anti-white racism to be more of a problem than racial inequality in criminal justice is an important step in explaining how and why policy reforms have stalled in America. To this point, Moore investigates why the racial justice agenda failed to “take off” in Congress between 1988 and 2012. She concludes that policies to address racial disparities floundered because members of Congress did not want to deviate from the core of criminal justice policymaking, with the disparate treatment of Blacks and their overrepresentation in the criminal justice system functioning as a lamentable but unavoidable collateral consequence of crime-fighting.

Despite the compelling and considerable empirical research on this topic, Moore tells an incomplete story about the political roots of racial tracking in America. In particular, by the end of the book, I found myself wondering about how felon disenfranchisement and gerrymandering contributed to the process of racial tracking. Court decisions that legitimated shifting electoral boundaries and the dilution of voting blocks certainly played some role in furthering racial inequality in criminal justice outcomes. Additionally, Latinos and other racial groups are not considered in the discussion of racial tracking. With increasing numbers of undocumented men, women, and children being processed by immigration and criminal justice officials, it is not a hard stretch to imagine why some neighborhoods are targeted for deportation raids in ways that are similar to drug raids in poor, Black neighborhoods. Furthermore, with significant percentages of Americans concerned about border security and immigration, an analysis of racial tracking for Latinos would have bolstered the author’s arguments about different modalities of law enforcement by race. However, the absence of an analysis for Latinos renders Moore’s arguments and findings incomplete not invalid.

Nevertheless, *The Political Roots of Racial Tracking in American Criminal Justice* makes an important contribution to the field through a detailed analysis of racial inequality in criminal justice. The political ideology that motivates the BLM movement has its roots in the belief that black lives are systematically and intentionally targeted for demise. Nina Moore’s book provides a historical and socio-legal

framework for understanding the emergence of the BLM social movement and its critique of racial differences in surveillance, arrest, prosecution, and incarceration. This book is appropriate for graduate and upper division undergraduate courses in sociology, political science, criminology, law, and African-American studies.

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Sovereignty in Post-Sovereign Society. A Systems Theory of European Constitutionalism. By Jiří Přibáň. London: Routledge, 2015. 262 pp. £34.99 paperback.

Reviewed by Daniela Piana, University of Bologna

Authors who engage in theoretical puzzles are always welcomed by scientific communities. Authors who engage in solving puzzles by addressing compelling paradoxes of our daily life are even more welcome. This is the case of Jiří Přibáň's book. Following upon a long-standing experience of research, in constitutionalism and systemic theories, Přibáň's work points directly to the heart of one of the modern trinity's pillars: sovereignty.

These are times of crisis for the traditional concept of sovereignty: sovereign States seem to prove, more than ever, the limits of their capacities to hold under stringent control the territories they were expected to govern and testify to the sunset of the golden age of national States as absolute protagonists of the international political stage. Whereas the common sense according to which sovereignty entered into a crisis is not in contention, much less has been done to understand how and to what extent concepts that we still adopt with both descriptive and prescriptive intentions, such as sovereignty, coexist with the transformative social and political processes that unfold in all institutional systems that have been the backbone of sovereign states, whereby the legal system plays a key role. Přibáň's book takes very seriously this coexistence and analyzes the conditions under which we still can and should speak of sovereignty in times of post sovereign societies.

The volume is structured in three parts. It starts with a diagnosis of sovereignty's malaise, assessed from the point of view of the European integration experience. In the European Union, as Přibáň's research insightfully points to, the combination of legal pluralism, national legal traditions, transnational values, and principles embedded in national and subnational institutional practices