

chapter that tackles implementation issues. Instead, the book contains three chapters that explain how the supportive state should address horizontal (i.e., adult/adult) relationships, vertical (i.e., adult/child) relationships, and family privacy concerns. And then it just ends.

Eichner acknowledges many contributions of scholars before her, including Emory law professor Martha Fineman, the most influential family law scholar in the country, whose theorizing about dependency seismically shifted feminist legal theory in the 1990s. Eichner refers only to Fineman's *The Autonomy Myth*, however, and overlooks her earlier book, *The Neutered Mother, the Sexual Family, and other Twentieth-Century Tragedies*.

The Neutered Mother is where Fineman proposes that the caretaker-dependent dyad, not the adult sexual unit epitomized by marriage, be recognized as the cornerstone of society. She criticizes dependency-blind gender equality norms in family law along with all law reform designed with the assumption that men should do more of the work of caring for children. Eichner's book contains the raw material for a sophisticated and nuanced rejoinder to Fineman, but she fails to do this explicitly. It's a shame, because a direct debate would be a most fascinating feminist conversation about family policy.

Eichner is a prolific legal scholar whose work has appeared in the journals of prestigious law schools. Such articles are the currency of legal scholarship, but they reach a narrow group of readers. *The Supportive State* guarantees a larger audience for her ideas, something she richly deserves.

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Adjudication in Religious Family Laws: Cultural Accommodation, Legal Pluralism, and Gender Equality in India. By Gopika Solanki. Cambridge: Cambridge University Press, 2011. 400 pp. \$95.00 cloth.

Reviewed by Vibhuti Ramachandran, New York University

The possibilities and implications of legal pluralism have long interested scholars exploring the Indian state's relationship to family, religion, and gender equality. In a situation complicated by violent conflicts between Hindus and Muslims at the time of India's independence, lawmakers faced a predicament unique to multireligious

societies with a colonial legacy of recognizing the autonomy of religious communities in family laws: should conjugal and family relationships be governed by a uniform, state-produced civil code applicable to all communities, or should communities be granted autonomy in such matters of “personal” law? In her ambitious, rich, and comprehensive study, Gopika Solanki examines the specific manifestations of legal pluralism through which state and community actors, social groups, activists in the women’s movement, and individual litigants in postcolonial India mediate these tensions in the adjudication of marriage, divorce, and maintenance cases. She describes the Indian situation in terms of a “shared adjudication model” in which the state recognizes the laws and customary regulations of religious communities pertaining to the family, and shares its adjudicative authority with them.

A key question for Solanki’s inquiry centers on the implications of this model for gender justice. In a marked departure from the concerns Indian feminist scholars have voiced about the *tensions* between cultural autonomy and gender equality in matters of family law, Solanki suggests that the Indian model of shared adjudication, granting legal recognition to culturally plural versions of what constitutes marriage, divorce, and family, brooks the possibility of ensuring greater gender equality. Further, unlike many scholars who associate the recognition of religious family laws with an ossification of religious boundaries and possible intensifications of interreligious tensions, Solanki contends that the shared adjudication model *facilitates* interreligious dialogue through deliberations among Hindu and Muslim women’s organizations, secular women’s groups, and litigants and lawyers from both communities.

The author makes a strong case for her choice of Mumbai as a site for this research, given the substantial presence of both majority Hindu and minority Muslim communities in the city and the simmering “communal” tensions between them in India’s recent past. Hindu and Muslim litigants in the city approach a variety of formal and informal legal forums, where Solanki studies the “micropolitics of adjudication” (21). Methodologically, her research combines content analyses of court records and judgments with ethnographic research in the form of interviews that enrich her analysis, especially in chapters 4 and 5. Chapter 3 focuses on the adjudication of religious family laws at the state-run family court in Mumbai. In chapter 4, Solanki compares the way three different caste councils, or *panchayats*, in Mumbai decide marriage- and divorce-related cases, while in chapter 5 she discusses how Muslim personal law is adjudicated at a community court, sect council, and informal legal forums. She argues that interactions at these plural and intersecting legal sites produce, negotiate, and contest varied

perceptions of conjugality, religious membership, gender roles, and family obligations. Some examples come to light through Solanki's discussion of the complex questions that emerge at these sites: Is marriage a matter of individual choice, or is it subject to community approval (chapter 3)? Are women seen as economic actors under Hindu personal law as interpreted by different caste groups? How do those deciding upon the provision of maintenance to women litigants factor in women's contribution to household income (chapter 4)? Under Muslim personal law, can a man ask for unilateral divorce unconditionally, or can his use of this provision be restrained and regulated to prevent its misuse against women (chapter 5)?

At first, Solanki appears to suggest that it is the sheer plurality of state and nonstate legal actors and forums she encounters that provides the possibility to negotiate women's rights. However, she succeeds in providing a more nuanced and compelling set of reasons for the effectiveness of the shared adjudication model. These include the ideological diversity of the entities involved and specific sociopolitical developments in postcolonial India, such as many political parties' support of the rights of religious minorities to undermine the Hindu right wing; the democratization of some caste councils, which rendered them amenable to law reform; and India's autonomous women's movement, committed since the late 1980s to working with community leaders toward the reform of religious family laws and caste regulations in favor of women. The proactive nature of the Indian judiciary in enforcing women's economic rights in marriage and divorce is another significant factor. Last but not the least, Solanki highlights the agency of individual women litigants, women's groups, and legal professionals and their networks and linkages in creatively drawing upon religious laws and the secular laws of the state to maximize legal gains, especially in securing maintenance. These instances of forum shopping and switching gleaned from her interviews are Solanki's most interesting contribution to scholarly understandings of gender justice and, potentially, of legal consciousness in India.

The book is clearly written, if somewhat repetitive, and the breadth of the investigation is impressive and groundbreaking. Solanki engages and brings together hefty and intricate topics that have been abiding concerns for scholars of South Asia, such that the premise of each chapter could indeed make for a book on its own. With so much packed into the analysis, readers unfamiliar with Indian history, politics, and legal processes might find themselves seeking more explanation on some of the central categories Solanki invokes—personal laws, caste regulations, *panchayats*, the hierarchy of state courts, and so on. This book would be of interest to social science scholars working on South Asia, religion, gender

and the state, postcolonial legal studies, and law and society more generally.

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The Collapse of American Criminal Justice. By William J. Stuntz. Cambridge, MA: Belknap Press of Harvard University Press, 2011. 432 pp. \$35.00 cloth.

Reviewed by Johann A. Koehler, University of Cambridge

William Stuntz's posthumous *Collapse of American Criminal Justice* marks a fine, albeit tragic, end to the career of a superb scholar of criminal law. The book deals with what Stuntz refers to as the "unraveling" of American criminal justice. Stuntz contends that three trends that have emerged in the last 60 years define American criminal justice today: the collapse of the rule of law, manifest in official discretion superseding legal doctrine and jury decisions in determining criminal justice outcomes; the proliferation of racial discrimination, evident in black overrepresentation in incarceration rates; and the pendulum justice of extreme penal appetites from lenity in the mid-20th century to severity since the 1970s.

All three contentions build upon themes Stuntz explored in previous work (e.g., see Stuntz 2001), although this book represents his first attempt to synthesize them in a format appropriate for a general readership. The tone is lucid and engaging. The text has been organized in such a way that all the references appear in endnotes, and although this makes for a more fluid reading experience, it unfortunately renders close scrutiny of Stuntz's meticulous research utterly exhausting and cumbersome.

The book is organized into three sections. The first explains how the American criminal justice system has been configured in such a way that allows the "unraveling" to occur in the first place. Stuntz charts the change of American criminal justice administration from a mode emphasizing local democracy to one characterized by centralized authority and discrimination since the 1840s.

The second section, which forms the main body of the book, explains the origins of the criminal justice system's current arbitrariness, discrimination, and severity. According to Stuntz, in the years following Reconstruction, 14th Amendment equal protection