
Book Reviews

Kathleen E. Hull, Editor

Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms. By Judith Resnik and Dennis Curtis. New Haven: Yale University Press, 2011. 720 pp. \$75.00 cloth.

Reviewed by John Brigham, University of Massachusetts, Amherst

This is an undertaking of major proportions. It is visionary in its aspirations and impressive in its achievements. It also has 49 color plates, 229 black and whites, 289 pages of notes, and other concluding material, and it weighs in at 5.2 pounds. It is fascinating, entertaining, and a joy to own. At least at this point it would be my desert island reading. It will be what I take on sabbatical.

The authors, professors at Yale Law School, not only believe court architecture is important, they give it significance in the law and in the academy. Most significantly, the authors link courts to democratic aspirations. The book is so noteworthy that it goes a long way in making its own case. Prepublication discussion has been exciting, and there have already been academic panels on the book. There is much to think about and enjoy; I really hope it serves as a stimulus to more scholarship in this area.

There is far too much in this book to give more than a minor indication of how exciting it is in a brief review. There are 15 chapters of 20 to 50 pages each. Some are enigmatically titled—for example, chapter 5, “Of Eyes and Ostriches,” and chapter 13, “From ‘Rites’ to ‘Rights.’” The chapters are also richly subtitled. Chapter 10, “Monuments to the Present and Museums of the Past: National Courts (and Prisons),” has 5 major subdivisions and 11 minor ones, all with engaging and thoughtful titles like “New and Recycled from Melbourne to Helsinki.”

Throughout the book, with the help of wonderful images both old and new, the authors indicate that the United States may be losing some of the democratic aspirations it has had for its courts. Some of this is evident in images of the pain and obligation judges face in the community. For example, a fifteenth-century image of a

corrupt judge being flayed alive (plate 11) illustrates this loss with considerable force.

The challenge of security in courts is mentioned in the context of the federal government's continued effort to build great court buildings. On this, Daniel Moynihan, one of the heroes in this endeavor along with the General Services Administration, is quoted aspirationally as saying, "We will not let Timothy McVeigh be our most influential architect" (p. 167).

A favorite point concerns the shift to stand-alone courthouses from multifunction municipal buildings that included courtrooms and jails as well as police departments and tax collectors. In chapter 10, the section "Justice Facilities': Jails, Prisons, and Courts" takes us back a few years to a time when courts and jails operated together out of multifunction buildings. The authors note the extensive literature on the emergence of the stand-alone prison (penitentiary), next to which the literature on stand-alone courts pales in comparison. Thus the emergence of the penitentiary in the nineteenth century suggested the parallel development of stand-alone courthouses in the twentieth century.

In a short, two-page synthesis, the authors give a suggestive mention to the relationship between beautiful courthouses and post offices, which used to signal the presence of the federal government (p. 376). This memorable summary addresses the diversity of material that has been covered. It emphasizes three narratives: (1) the durability of the icons of justice and the consequent sense that what is sought in courts is very old, (2) the link between justice and democratic governance as seen in the ambitions of even the most despotic to cloak governance in terms of justice, and (3) the way in which the tension between the showcase courthouses of the U.S. government sits uncomfortably in a regime that is far more likely to settle a case through negotiation than through adjudication.

I would have liked an index reference for *tympanum*, but appreciated references for *auto-de-fé*, *architect(s)* (with 50 references), and *color-blindness* (with 8 references).

Rather than having started with the book's distinctive theme, let me conclude with it. This book is about law and architecture in democracies. Public participation and engagement, knowledge, and critique are facets of the legal process highlighted here. It is a noble theme that gives this compendium a special consequence. It speaks about institutions that inspire us to be our best but are under pressure by a different kind of regime. The new regime of mediation and conciliation is one of administration rather than judgment. And it is difficult to represent.

The subject of what a nation builds to represent and to house the pursuit of justice is an important one, and this book appears to mention everything of relevance in a comprehensive and exciting

way. This is the kind of book that starts a field or preempts one. I am hoping it is the former.

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Tort, Custom, and Karma: Globalization and Legal Consciousness in Thailand. By David Engel and Jaruwat S. Engel. Stanford: Stanford University Press, 2010. 208 pp. \$21.95 paper.

Reviewed by Patricia Ewick, Clark University

Engel and Engel begin *Tort, Custom, and Karma: Globalization and Legal Consciousness in Thailand* by asking, “What happens to law in the lives of ordinary people when a society undergoes rapid change, economic development, and integration into global markets?” (3). Based on in-depth interviews with 35 people from Chiangmai who had been injured as a result of the conduct of another person, the authors trace the transformation of legal culture and consciousness in contemporary Thailand as a result of globalization. These “injury narratives” are augmented by an analysis of litigation rates in the Chiangmai Provincial Court during two periods, 1965 to 1974 and 1992 to 1997. Both data sources depict a situation in which both state and customary law are an increasingly irrelevant and, in the case of state law, illegitimate way of ordering social relations.

Engel and Engel frame their research by reviewing competing claims about the effect of globalization on legal consciousness. One view holds that globalization enhances consciousness of the rule of law and increases the willingness to use formal legal remedies. According to this view, the universalism that liberal legal systems promise roots out and displaces customary law. Alternatively, others argue that the processes associated with globalization are as likely to provoke a backlash against its market logics and to nourish traditional and oppositional discourses, particularly religious fundamentalism, resulting in a reactivation of customary legal ordering. Rather than adjudicating between these alternative scenarios, Engel and Engel reframe the debate, by conceiving of legal culture and consciousness as multidimensional, and seek to examine the impact of globalization on each of five key aspects of consciousness: spatial and temporal frameworks; concepts of self, community, social networks, and relationships; justice norms and procedures; and cosmology and religious beliefs. Using these concepts to interpret the injury narratives, Engel and Engel discover that the correct answer to the question about the effect of globalization on