

study of law, culture, and social change that reinvigorates sociolegal research on legal consciousness.

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The Victimization of Women: Law, Policies, and Politics. By Michelle L. Meloy and Susan L. Miller. New York: Oxford University Press, 2011. 256 pp. \$24.95 paper.

Reviewed by Kristin Bumiller, Amherst College

Michelle Meloy and Susan Miller provide an insightful overview of how victims have fared in the criminal justice system since the 1960s. They show that efforts to end a long tradition of victim blaming were largely symbolic and ultimately nongenerative of better treatment of victims. Through numerous examples the authors show that reforms designed to improve the criminal justice response to women who experienced sexual assault and domestic violence actually excluded victims' interests. The authors call for the victimology movement to take a serious look at the academic evidence that reveals the unintended consequences of criminal justice policies and the unrelieved pervasiveness of sexual crimes against women.

The perspective of the book is summed up by a quote from a presidential task force: "If we take the justice out of the criminal justice system we leave behind a system that only serves the criminal" (p. 15). The authors see the "justice" as largely absent. They attribute this to both the systematic effects of criminals' due process rights' receiving more recognition than do victims' needs and the specific policies that reflect only superficial consideration of victims' concerns. In arguing for a more "balanced" approach within the criminal justice system, Meloy and Miller posit truly victim-centered policies as the potential corrective for a system that has misconstrued its priorities.

Does the system fail to balance the rights of the criminal and the needs of the victim? Or rather, does a "culture of control" cause the system to fall short both in preserving the fundamental protections afforded defendants *and* in serving victims' interests? Rather than framing their account in terms of a broader critique of modern crime-control strategies or the growth of the carceral state (e.g., see Garland 2001; Simon 2007), the authors stay focused on the experiences of victims within the system. Yet *The Victimization of Women* is manifestly clear about its intellectual commitments: it is unequivocally focused on both objective science and feminist principles.

Meloy and Miller offer subtle and persuasive arguments about how and why current criminal justice practices remain unresponsive to victims. In addressing the battering of women, they argue that prosecutors' goals may run counter to the desired solutions of victims. In an "incident-driven criminal justice system, interested in physical evidence and successful conviction," victims' wishes for improved safety for themselves and their children, for financial independence, and for immediate problem solving are not given priority (p. 44). The authors also point out that the system wastes resources by focusing on women deemed "valuable" victims in ways that incorporate gender, class, and race stereotypes about worthiness (p. 76).

The book makes a strong stand against the antivictim backlash proffered by cultural critics or the media. In fact, Meloy and Miller attribute much of the failure of the victimology movement to the unremitting use of victim-blaming tropes in popular culture (pp. 29, 70). This conclusion is partially based upon excellent analysis of how the media distorts reporting about victims, often valuing and devaluing victims based upon their social status and celebrity. From the authors' perspective, negative policy consequences follow from popular stereotyping and more directly from politicians who manipulate victims' interests to serve short-term goals of appeasing the public and securing their reelection (p. 20). This stance, however, deflects critical attention from the possible missteps of victim-focused activists in formulating their campaigns.

Such critical questions are particularly relevant to the chapter discussing sex offender policies. Meloy and Miller point to the remarkable inadequacy of these policies; for example, they cite evidence that AMBER Alerts may have done more harm than good due to the misuse of scarce law enforcement resources (p. 98). While the authors call for more cost-effective measures to increase public safety, a provocative question remains unaddressed: why have reformers spearheaded measures that are so costly and ineffective to both society and the offenders themselves?

One of the strengths of this book is how open-minded the authors are to the possibilities for other approaches to meeting victims' needs (such as mediation and more responsible media coverage). *The Victimization of Women* is not fueled by a punitive agenda, nor does it stereotype or sensationalize perpetrators. Rather, it compels us to ask this question: what policies will actually assist victims by preventing victimization in the first place, increasing public safety, or adequately addressing victims' needs and interests in the aftermath of a crime? Meloy and Miller present an extremely valuable retelling of the history of the victimology movement and provide substantial evidence to counteract the strains of victim blaming that still hold sway in the minds of the general public.

References

- Garland, David (2001) *The Culture of Control: Crime and the Social Order in Contemporary Society*. Chicago: Univ. of Chicago Press.
- Simon, Jonathan (2007) *Governing through Crime*. New York: Oxford Univ. Press.

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Cultures of Legality: Judicialization and Political Activism in Latin America. Edited by Javier A. Couso, Alexandra Huneeus, and Rachel Sieder. New York: Cambridge University Press, 2010. 287 pp. \$85.00 cloth.

Reviewed by David Landau, Florida State University

This edited volume is a substantial contribution to the impressive literature on comparative courts and on the global trend toward judicialization. The editors aim to critique prevailing approaches in two ways. First, they seek to move beyond narrower theories that explain increases in judicial power as a consequence of the interests and incentives of either judges or politicians (Ginsburg 2003; Hirschl 2004). The editors instead assert that legal cultures play a prominent role in explaining these phenomena. Second, the editors seek to shift away from an exclusive focus on judges and courts; various chapters focus instead on the use of legal discourse by actors outside the courts, such as indigenous groups, human rights organizations, members of civil society, and the legal academy.

The resulting volume is a collection of essays loosely bound by these themes. For example, the editors pointedly avoid giving a specific definition of *legal culture* and instead leave this to each individual chapter author. Given the current state of knowledge in the field, this is more of a strength than a weakness. Existing debates in political science about the value of culture as an explanatory variable are stuck on the question of whether it is possible to isolate and prove the effect of culture on other phenomena. The way forward for the time being is probably in the presentation of more specific evidence, rather than abstract theorization.

The key fact in the study of Latin American law is the extraordinary diversity of legal systems across a range of variables—the independence of judiciaries, the reception of international law, the kinds of constitutional decisions issued and reasoning styles employed, and the individuals and groups that use the courts. This makes Latin America an ideal setting for testing and expanding theories in comparative law and politics.