

leading independence movements. The authors see South Korea as somewhat exceptional, presumably because of the weak position of law in colonial Japan.

The Cold War is crucial in their account, for it saw the displacement of legal elites at the hands of economist-technocrats in Indonesia and South Korea. In the Philippines and Singapore, in contrast, lawyers played a role in constructing authoritarian regimes. In India and Malaysia, lawyers and judges resisted, with differing degrees of success, efforts to construct developmental states. (They did so as well in South Korea in the 1960s, but were wholly unsuccessful.) In the post-Cold-War era, lawyers become bastions of resistance to authoritarianism, successfully transforming their legal capital to the demands of a new era of democratization.

The overall story is a cyclical one, in which the Philippines and India are paradigm cases. Lawyers accumulate social capital in the colonial era. In the independence era, lawyers can profit from their accumulated capital but also are in contest with other competitors. They then seek to rebuild, investing their capital in political morality of liberalism. Law has no necessary relationship with any ideology, but adjusts its particular role to advance its own legitimacy, serving the interests of its practitioners.

The Dezalay and Garth method is not conventional positivist social science. There is little discussion of case selection, nor is it clear that the evidence is evaluated in a systematic way so that the claims are falsifiable. Instead, theirs is a kind of analytic narrative of particular histories—of individuals, groups, and states—set into a broader macro-historical framework. Scholars of particular countries will find the accounts maddeningly brief, and will wonder about the representativeness of some of the particular examples, but will also find new and sometimes provocative insights from the creativity of Dezalay and Garth's overall analysis. The book's contribution is interpretive, allowing us to understand law in Asia as part of global processes. It provides an important lens that helps make sense of distinct developments in particular times and places. Law, in Asia and elsewhere, is part of the contested construction of state power.

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*Intersexuality and the Law: Why Sex Matters.* By Julie A. Greenberg.  
New York: New York University Press, 2012. 169 pp. \$32.00 cloth.

Reviewed by Jessica Knouse, University of Toledo

For nearly fifteen years, Julie Greenberg's scholarship has illuminated the complex legal and social issues faced by intersex

individuals. Her new book, *Intersexuality and the Law*, synthesizes and develops upon her previous scholarship. It not only provides a comprehensive review of the law's past and present treatment of intersexuality, but also offers strategic suggestions for the future and, perhaps most importantly, democratizes the debate by making it accessible to those without legal training. Greenberg uses (and I have used) the term "intersex" to refer to individuals "with a congenital condition whose sex chromosomes, gonads, or internal or external sexual anatomy do not fit clearly into the binary male/female norm" (p. 1). She, however, acknowledges and discusses the fact that some have advocated replacing the term "intersex" with "disorders of sex development" ("DSD").

The book is divided into three parts. Part I describes the historical perception of intersex individuals as "freaks" (p. 11), as well as the historical treatment of intersex infants through genital-normalizing surgeries. Greenberg's descriptions illustrate the stereotyping inherent in doctors' sex-selection processes: For infants with XY chromosomes, the size of the penis was generally determinative, whereas for infants with XX chromosomes, the focus was on reproductive capacity. While practices have improved and the feminization of XY infants is now less common, Greenberg reports that many doctors continue to perform surgeries, without regard for the possibility that they may be destroying the ability to experience sexual satisfaction. Recognizing that intersex individuals are not monolithic in their views of the surgeries, Greenberg carefully assesses the circumstances under which doctors should legally be able to operate. She explains that informed consent doctrine is designed to protect patient autonomy, but that when minors are involved parents often have substantial latitude to make decisions. After exploring the competing rights and potentially conflicting interests of intersex infants and their parents, Greenberg makes two recommendations: first, that judicial approval be required prior to any surgery that will result in sterility and, second, that some type of safeguard be implemented prior to other surgeries.

Part II assesses the legal mechanisms for sex determination in three contexts: marriage, official documentation, and housing and bathroom use. Beginning with marriage, Greenberg situates the issues faced by intersex individuals within the broader context of social opposition to same-sex marriage—which, she explains, is the driving force behind the law's strict adherence to sex-based distinctions. While sex-based distinctions may not be targeted at intersex individuals, they in some cases entirely prevent intersex individuals from marrying. Because only two appellate courts, neither within the United States, have ruled upon the validity of intersex marriages, Greenberg draws on the more developed doctrine associated with transsexual marriages. She explains how courts have grappled

with the issue of whether sex ought to be assessed at the time of birth (based on one's birth certificate) or at the time of marriage. Although Greenberg provides an incisive analysis of the legal doctrine and social debates surrounding LGBT marriages, she consistently reminds the reader of the unique issues faced by intersex individuals. The same is true in the context of official documentation and housing and bathroom use, where she draws on the numerous cases involving transsexuals to illuminate the reader's understanding of the more rare cases involving intersex individuals.

Part III considers the intersex movement, its internal debates, and its interaction with other movements. Greenberg traces the history of the intersex movement from its inception in the early 1990s to the present. In recounting its internal debates, she focuses on such issues as whether resources should be directed toward improving existing medical practices or eliminating sex stereotypes, and whether the preferred term should be "intersex" or "DSD." She provides a highly sophisticated analysis of the intersex movement's interaction with disability, feminist, lesbian, gay, bisexual, and transsexual rights organizations and the potential benefits and detriments of inter-group alliances. She concludes by surveying the legal frameworks that the intersex movement might deploy in the future, focusing primarily on disability and sex discrimination. Ultimately, Greenberg argues in favor of a "multi-pronged attack" (p. 135), which would include education, litigation, legislative reform, and the formation of alliances with other groups that seek to empower those who defy social norms.

*Intersexuality and the Law* provides a definitive account of the history and present of intersex issues, artfully interweaving stories from the lives of intersex individuals with explanations of complex legal doctrine and suggestions for future litigation and legislation. Few authors have illustrated such sustained commitment to understanding how intersexuality interacts with existing legal regimes, and Greenberg provides invaluable description, analysis, and critique.

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*Sex Fiends, Perverts, and Pedophiles: Understanding Sex Crime Policy in America.* By Chrysanthi Leon. New York: New York University Press, 2011. 444 pp. \$70.00 cloth, \$23.00 paper.

Reviewed by Hadar Aviram, University of California,  
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At the crux of the current crisis of mass incarceration, increasing punitiveness, and alarmist politics, is the heated controversy about