

from the others, producing neither a “spontaneous order” as Friedrich Hayek might advocate nor a comprehensive moral reading as Ronald Dworkin would seek. Instead, we see many constitutions operating through overlapping doctrines working to provide principled guidance to discrete criminal justice practices. In this way, the volume’s laudable and instructive attempt at more comprehensive doctrinal coverage matches the underlying fragmentation it studies.

Given the complexity of criminal justice, the plurality of applicable constitutional provisions and meanings, and the uncertainty inherent in future social and political developments that will shape and be shaped by law, this volume makes an important scholarly contribution that opens dialogue on multiple doctrinal questions found in the relations between the Constitution’s present and future.

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Reconceptualizing Children’s Rights in International Development: Living Rights, Social Justice, Translations. By Karl Hanson and Olga Nieuwenhuys. Cambridge: Cambridge University Press, 2013. 302 pp. \$99.00 cloth.

Reviewed by Maya Sabatello, Department of Psychiatry, Columbia University

Although the Convention on the Rights of the Child (CRC) was adopted 25 years ago, questions about the meaning and scope of the rights enshrined in it (and beyond) remain relevant in contemporary discourse on children’s rights. Numerous reports suggest that violations of children’s rights are still rampant in much of the world, with developing countries commonly being a major target of criticism by children’s rights advocates. However, perhaps the most challenging aspect of the CRC’s new legal order is the concept of children’s agency. Notwithstanding the CRC’s clear intention to shift the conceptualization of children from objects of enculturation to subjects in their own right, and from passive to active participants in their social, political, and familial milieu, answering what to make of the “child’s voice” and how to incorporate it in the human rights discourse remains controversial.

The book’s editors, Karl Hanson and Olga Nieuwenhuys, compiled a collection of essays to address this question from a child-centered approach. Contrary to the view of the CRC as a neutral legal reform, as often portrayed by children’s rights

advocates, and the subsequent discourse on children as victims when they engage, for example, with work, the overarching goal of the book is to provide a contextual, bottom up account of how children understand, interpret, and act on their rights. Toward this goal, the book proposes a conceptual framework for children's rights comprised of three key, inter-related concepts: living rights, social justice, and translations of children's rights into practice. By so doing, the book aims to start to grasp the complexities of how rights take shape in children's living realities and daily struggles (p. 6), to help understand the complex ways in which children's rights come into play in today's developing world, and to develop a contemporary theory that extends beyond children to human rights more generally (p. 22).

Accordingly, in addition to introductory and concluding chapters, the book's three parts correspond to these three concepts. Part I examines living rights. Analyzing girls' local discourse on marital practices, snapshots produced by children living and working on the streets, children's negotiation strategies in household livelihood activities and children's self-determination practices as migrant workers, the four chapters demonstrate how children shape the various rights in their social world. Part II focuses on the concept of social justice, which the editors interpret to encompass moral economy, the state as guarantor of necessary goods (from land and employment to health, education and food), and social movements challenging the elites. The three chapters in this part highlight conflicting local and international core conceptualizations of personhood, autonomy, and kinship and the need for recognizing the various cultural, political, and social forces to develop a fruitful conversation between the stakeholders of children's rights. The beautifully written chapter by Kristin E. Cheney on AIDS orphans and her call to move from a legalistic discourse on children's rights to "an everyday, indigenous language that holds its own weight in social practice" (p. 169) provides a nice transition to Part III, which focuses on translations. Unlike the previous two parts that have a strong ethnographic emphasis, Part III is policy- and legally-oriented, examining young people's response to broader socio-political injustices (e.g., conflict-affected settings) and what happens with rights in the encounter of children's and other actors' perspectives. Chapters 11 and 12 by, respectively, Manfred and Karl Hanson, and Arne Vandaele about children's right to work should be read together and are especially illuminative of the gaps in the local versus universal constructions of working rights of children, of the power of children's agency, and of how the discourse can move forward.

As a whole, the book's orientation of developing a child-agency approach to children's rights is laudable. Although the criticism of

the claimed neutrality of the human rights framework, problems of representational power, and the call for integrating children's perspectives are not new, the book elucidates the dangers in espousing uncritically "the orthodoxies of human rights" (i.e., mainstream literature and advocacy) as a reference point for children's living rights (p. 280). Indeed, the book's case studies provide rich, originally researched, real-life illustrations of the injustices that may occur when contexts and lived-experiences are ignored. Further, although the book explicitly proclaims to focus only on children's rights in the developing world, the concepts of living rights, social justice, and translations should equally provoke discussions about the multiplicity of children's voices, representations, and rights in developed countries. And insofar as these three concepts will be helpful in shifting perspectives—the book is a valuable addition. It is also in this regard, however, that the omission of any discussion about the lived-experience of children with disabilities and the disability rights movement is regretful. This is so firstly because the international Convention on the Rights of Persons with Disabilities (2006) is the most up-to-date human rights treaty and it is both applicable to children and also taps on the book's themes by incorporating contexts, social awareness, and agency more than any other previous human rights framework. Secondly, the omission is regretful because it does so in particular with regard to children with disabilities, a group of about 200 million children worldwide, 80% of whom reside in developing countries, and whose living rights, social justice and translations are too commonly doubly and triply ignored. Still, the book's theoretical underpinning, practical illustration, and interdisciplinary approach will be useful for students who become acquainted with human and children rights discourses, for those interested in social movements from below, and for advocates in the field.

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Governing Immigration Through Crime: A Reader. By Julie A. Dowling and Jonathan Xavier Inda. Stanford University Press, 2013. 320 pp. \$29.95 paperback.

Reviewed by Anil Kalhan, School of Law, Drexel University

In *Governing Immigration Through Crime*, Julie A. Dowling and Jonathan Xavier Inda present an important collection of essays examining different ways in which the lines between immigration