

STUDIES IN LAW, POLITICS, AND  
SOCIETY

# STUDIES IN LAW, POLITICS, AND SOCIETY

Series Editor: Austin Sarat

Recent Volumes:

Volumes 1–2: Edited by Rita J. Simon

Volume 3: Edited by Steven Spitzer

Volumes 4–9: Edited by Steven Spitzer and Andrew S. Scull

Volumes 10–16: Edited by Susan S. Sibey and Austin Sarat

Volumes 17–33: Edited by Austin Sarat and Patricia Ewick

Volumes 34–72: Edited by Austin Sarat

STUDIES IN LAW, POLITICS, AND SOCIETY VOLUME 73

# STUDIES IN LAW, POLITICS, AND SOCIETY

EDITED BY

**AUSTIN SARAT**

*Department of Law, Jurisprudence & Social Thought and  
Political Science, Amherst College, USA*



United Kingdom – North America – Japan  
India – Malaysia – China

Emerald Publishing Limited  
Howard House, Wagon Lane, Bingley BD16 1WA, UK

First edition 2017

Copyright © 2017 Emerald Publishing Limited

**Reprints and permissions service**

Contact: [permissions@emeraldinsight.com](mailto:permissions@emeraldinsight.com)

No part of this book may be reproduced, stored in a retrieval system, transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise without either the prior written permission of the publisher or a licence permitting restricted copying issued in the UK by The Copyright Licensing Agency and in the USA by The Copyright Clearance Center. Any opinions expressed in the chapters are those of the authors. Whilst Emerald makes every effort to ensure the quality and accuracy of its content, Emerald makes no representation implied or otherwise, as to the chapters' suitability and application and disclaims any warranties, express or implied, to their use.

**British Library Cataloguing in Publication Data**

A catalogue record for this book is available from the British Library

ISBN: 978-1-78714-812-3 (Print)

ISBN: 978-1-78714-811-6 (Online)

ISBN: 978-1-78743-139-3 (Epub)

ISSN: 1059-4337 (Series)



ISOQAR certified  
Management System,  
awarded to Emerald  
for adherence to  
Environmental  
standard  
ISO 14001:2004.

Certificate Number 1985  
ISO 14001



INVESTOR IN PEOPLE

## LIST OF CONTRIBUTORS

<i>Erin M. Adam</i>	Department of Political Science, University of Washington, Seattle, WA, USA
<i>Elizabeth Chiarello</i>	Department of Sociology & Anthropology, Saint Louis University, Saint Louis, MO, USA
<i>Leslie P. Francis</i>	Department of Philosophy, S.J. Quinney College of Law, University of Utah, Salt Lake City, UT, USA
<i>John G. Francis</i>	Department of Political Science, University of Utah, Salt Lake City, UT, USA
<i>Cyril Ghosh</i>	Government and Politics, Wagner College, Staten Island, NY, USA
<i>Jennifer A. Reich</i>	Department of Sociology, University of Colorado Denver, CO, USA
<i>Dorit Rubinstein Reiss</i>	Hastings College of the Law, University of California, San Francisco, CA, USA

## EDITORIAL BOARD

Gad Barzilai  
*Political Science, Tel Aviv University,  
Israel*

Paul Berman  
*Law, George Washington University,  
USA*

Roger Cotterrell  
*Legal Theory, Queen Mary College,  
University of London, UK*

Jennifer Culbert  
*Political Science, Johns Hopkins  
University, USA*

Eve Darian-Smith  
*Global Studies, University of  
California, Santa Barbara, USA*

David Delaney  
*Law, Jurisprudence, and Social  
Thought, Amherst College, USA*

Florence Dore  
*English, University of North Carolina,  
USA*

David Engel  
*Law, State University of New York at  
Buffalo, USA*

Anthony Farley  
*Law, Albany Law School, USA*

David Garland  
*Law, New York University, USA*

Jonathan Goldberg-Hiller  
*Political Science, University of  
Hawaii, USA*

Laura Gomez  
*Law, University of California, Los  
Angeles, USA*

Piyel Haldar  
*Law, Birkbeck College, University of  
London, UK*

Thomas Hilbink  
*Open Society Institute, USA*

Desmond Manderson  
*Law, Australian National University,  
USA*

Jennifer Mnookin  
*Law, UCLA, USA*

Laura Beth Nielsen  
*Research Fellow, American Bar  
Foundation, USA*

Paul Passavant  
*Political Science, Hobart and William  
Smith College, USA*

Susan Schmeiser  
*Law, University of Connecticut, USA*

Jonathan Simon  
*Jurisprudence and Social Policy,  
University of California, Berkeley,  
USA*

Marianna Valverde  
*Criminology, University of Toronto,  
Canada*

Alison Young  
*Criminology, University of  
Melbourne, Australia*