

important question of whether participants' use of cultural practices can be read as a kind of political action even when participants themselves do not view their actions in this way.

Hull argues that by appropriating the cultural resources of marriage and putting them to new, creative uses, same-sex marriage rituals have the potential to reshape existing understandings of marriage and therefore should be understood as political acts. Hull is undoubtedly correct to argue that there are political consequences to these cultural enactments of marriage, but there is a danger here in conflating political effects with political acts. Intentionality and agency are important—and distinct—components of these processes of social transformation. Students of social movements have observed that the reconceptualization of formerly “private” or “personal” social practices as “public” or “political” issues is a critical aspect of, and necessary condition for, political mobilization. Our understanding of how and under what conditions individuals come to see cultural practices as sites of political contestation is an important empirical project, but it arguably requires a more explicit role for political consciousness than Hull's conceptualization of political action allows.

Hull's study nevertheless encourages a healthy and important debate about the role of intentionality and agency in political action, as well as the mutual implication of law and culture in the institution of marriage. Overall, this is a carefully crafted study of individual legal consciousness that offers a unique, “bottom-up” lens to what is arguably one of the most rapidly evolving instances of social change in our time.

Reference

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Crimes of the Holocaust: The Law Confronts Hard Cases. By Stephan Landsman. Philadelphia: University of Pennsylvania Press, 2005. Pp. 320. \$49.95 cloth.

Reviewed by Joachim J. Savelsberg, University of Minnesota

Crimes of the Holocaust recounts the histories of four of the best-known trials against perpetrators of the Holocaust. The first four chapters are devoted, respectively, to the Nuremberg trial in

Germany, the Eichmann trial in Jerusalem, the deportation case and trial against John Demjanjuk in the United States and Israel respectively, and the trial against Imre Finta in Canada. A fifth and final chapter briefly reviews French and German court responses to the Holocaust, criminal prosecutions of previous Latin American regimes by their democratic successor governments, and current international tribunals (International Tribunal for the Former Yugoslavia, International Criminal Tribunal for Rwanda, International Criminal Court). The final pages provide suggestions for the coordination of truth commissions with criminal court proceedings and for improving future prosecutions.

Landsman writes his book as “an American trial lawyer, legal academic, and Jew” (p. xi). He is equally concerned with effective prosecution and punishment and with fairness of criminal proceedings. Both concerns are, as his arguments suggest, closely intertwined, and one of the book’s central concerns is expressed in an introductory quotation by Justice Oliver Wendell Holmes: “Great cases like hard cases make bad law.”

The horrors of genocide are one theme of the book. Evidence in the four trials attests to hundreds of prisoners being burnt to death in locked barracks, human skin lampshades, shrunken skulls, gassing trucks, removal of gold teeth from the corpses, forced castration of one inmate by another, drilling into another inmate’s anus with an auger, slicing off of ears before entry into the gas chambers, suffering and death in the gas chambers, the smashing of baby skulls to save ammunition, mountains of corpses pushed by bulldozers, and the severely injured crying from within piles of corpses in the mass graves.

Conducting trials in face of such monstrous organized and individual crimes is not just painful because of the unbearable accounts participants have to endure and witnesses have to report and relive. It is also challenging because such trials serve diverse and partly contradictory purposes. They are first and foremost criminal trials. Yet they also serve political purposes, and they simultaneously seek to provide a historical and public documentation of hate and cruelty. Landsman’s account is full of examples attesting to these agendas (e.g., pp. 6ff, 13ff, 56ff, 60, 93f, 96, 111ff, 123, 169).

Successes and weaknesses of the trials are evident in their outcomes and in their proceedings. The Nuremberg trial resulted in the conviction of almost all charged and in most cases in severe penalties, primarily death, and the Eichmann trial in a guilty verdict and in the perpetrator’s execution. In contrast, the trials against Demjanjuk and Finta eventually resulted in the release of the accused (and in Demjanjuk’s renaturalization in the United States). The latter cases were hampered by “delay, the sprawling

and diffuse character of the prosecution case, the substantial risk of misidentification of perpetrators, the harassment of traumatized victim witnesses, [and] the vituperative accusations of defense counsel” (p. 240). Similar challenges in the earlier trials were overcome by their relative historic proximity and their focus on high-profile defendants, and because they were “conducted by jurists whose scrupulous fairness and intellectual rigor compensated for the looseness of evidence rules that admitted reams of hearsay, prejudicial and entirely irrelevant materials” (p. 240). Despite Landsman’s criticisms, he recognizes the crucial contribution of Nuremberg: “[It] began our halting efforts to impose the rule of law worldwide . . . To Anglo-American jurists, it was the first essential step in the development of an international common law holding governments and their leaders accountable for aggression, war crimes, and crimes against humanity” (p. 50).

Landsman concludes by pleading for streamlined proceedings, limits on the amount of time granted to each side and on the number of witnesses and documents, stricter adherence to rules prohibiting hearsay and demanding authentication of documents, and a focus on the most significant figures among the perpetrators. He encourages new approaches toward linking truth commissions with international criminal proceedings and national courts with international tribunals, while simultaneously articulating important cautions. Landsman’s work should benefit future designs of proceedings against perpetrators of war crimes and genocide. Yet his book also tells us that such intellectual effort will have to compete with a multitude of practical and political constraints.

While Landsman’s book does not deliver social science, it provides rich empirical material and provokes sociological agendas. Such provocation is welcome as the sociology of genocide (and its control) is only in its infancy (e.g., Hagan 2003; Hagan et al. 2005). Sociological issues arise with regard to the nature of criminal courts. While Landsman measures Holocaust trials against ideal-typical adversarial proceedings, such trials just constitute an extreme case of the common invasion of substantive, extralegal political, ethical, and practical considerations into court decision-making. Holocaust trials, like all trials, are also cases of “sociological justice” (Black 1989).

Landsman’s book finally encourages future work on collective memory. After recent work has begun to explore how collective memory affects legal institutions (Savelsberg & King 2005), future research needs to explore the reverse causal relationship: how our historical understanding of genocide is colored by the nature and balance of the processes and institutions through which it is constructed, including historical scholarship, politics, truth commissions, and—most relevant here—criminal proceedings.

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Family Law and Family Values. Mavis Maclean, ed. Oxford, United Kingdom, and Portland, OR: Hart Publishing, 2005. Pp. xi+342. \$80.00 cloth; \$44.00 paper.

Reviewed by Bryna Bogoch, Bar Ilan University

Family law has become a "hot" item in most Western countries and is likely to hit the headlines in controversial legal decisions, policy debates, and legislative initiatives. In the United States, the support of same-sex marriage has virtually replaced abortion as the litmus test of liberalism, while a similar "progressive conservative divide" is applied in Europe, where a diversity of ideological and cultural values and differing expectations about family relationships prevail.

It is the nature of expectations about family relationships, and the extent to which the values that are incorporated in family law coincide with these expectations, that is the subject of this rich collection of 18 essays edited by Maclean. Like the previous two volumes on family law that Maclean edited, this one is also based on meetings held at the International Institute for the Sociology of Law in Oñati, Spain and, like its predecessors, the approach here is interdisciplinary and its scope is European and North American.

The book is divided into five sections. The first presents different approaches to the study of the nature of family values alongside those values put in place by legal systems; the next three chapters deal with the regulation of the relationships between adults and children, adult couples, and adult children and elderly parents, respectively; while the final chapter deals with diversity and standardization in family values and family law.

A number of articles deal with the boundaries and definitions of family ties. Fuszara and Kurchzewski from Poland suggest an increasing ambiguity between ties of friendship and ties of kin, which are no longer dependent on "blood" or formal marriage ties, are not exclusively related to procreation values, and are often temporary.