

The Culture of Punishment: Prison, Society, and Spectacle. By Michelle Brown. New York: New York University Press, 2009. 249 pp. \$24.00 paper.

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Michelle Brown's *The Culture of Punishment* is a systematic analysis of the more visible ways the public imagines what goes on behind our nation's prison walls. Nowhere else is the reader able to encounter in one text a convincing thematic survey of the spectacularized representation of the prisoner—across films and televisual programs; advertisements for historical prison tours, ghost hunts, and other adventure entertainment; official statements and print media representations of wartime prison-building and torture; and both specialized and popularized commentary on various late twentieth-century debates within criminology about the effectiveness of punishment. And because of how this expansive archive is mapped—starting with the more popular and ending with the more technical—it is easy to envision how *The Culture of Punishment* might play the important role in undergraduate education of connecting the everyday of college student life to the oftentimes separated, but nonetheless urgent, demands of social justice.

According to Brown, the culture of punishment comprises four major visual media: mass media, commercial prison tourism, war discourse, and social scientific knowledge. Each medium contributes to generating what Brown calls “the penal spectator” (pp. 8–12), respectively, through the production of iconic images of prisoners, the deadened buildings of the history of punishment, the extralegal proliferation of the global prison, and the overvaluation of expert knowledge about whether and how punishment reduces crime. This penal spectator's gaze, distanced as it is from actual interaction with men and women living in prison, is unable to grasp the reality of human suffering that prisons produce and, presumably because of this lapse, tacitly becomes part of the larger disciplinary gaze of the prison regime. And while Brown's mapping of the gaze's passivity toward this disciplinary society charts quite a dismal picture, *The Culture of Punishment* argues that it is precisely through these various cultural media that there is also the possibility for the penal spectator to engage more actively—from consuming to “witnessing” (p. 204) other people's pain and exclusion.

Thus, in her final chapter, Brown summarizes her overarching argument that “cultural analysis has a special role in the transformation of the passivity of penal spectatorship to an informed and engaged mode of citizenship, which requires a critical

engagement with the work of punishment” (p. 191). A “special role,” indeed, but what exactly is this role, and its relationship to politics and social change? How precisely can one hope for cultural analyses to shift the penal spectator’s gaze from consuming to witnessing, from voyeuristic pleasure to critical engagement, through what Brown generally calls the “cultural work of punishment” (p. 40)? And is a witnessing penal spectator the best type of subjectivity one can and should imagine for the political project of abolishing social reliance on punishment? What other theories of the gaze—beyond an understanding of it as a kind of power relation between subjects—might lead to more radically different ways of understanding politics and social change?

These important questions for the most part remain unthought, even though they would have been the most theoretically interesting for a criminological project to pursue. Wrestling with these questions would have allowed the book to move beyond a presentation of cultural themes toward a more nuanced discovery of the symbolic limits of the culture of punishment. It would have allowed readers to think in more sustained ways about the various kinds and divergent political merits of cultural analyses developed during the very same period of mass incarceration’s cultural hegemony. So while Brown’s focus is on the necessity of humanizing discursive constructions of the spectacularized prisoner for the voyeuristic free, this intersubjective conceptualization of the gaze elides the fact that the gaze is not only one possible (problematic, according to Brown) mode of representing the prisoner among others, but is also a constitutive invisibility at the core of the culture of punishment and its many practices of signification, visual and otherwise (Shepherdson 1997).

Still and most notably, where Brown begins her cultural interrogation of the crisis of penal policy in America is most often the place where sociological studies of punishment end. Through Brown’s writing, some of the most influential scholars of a “new penology,” including Jonathan Simon and Malcolm Feeley, David Garland and Loïc Wacquant, Philip Smith and Marc Mauer, come into conversation with a broader constellation of critical thinkers, like Judith Butler, Elaine Scarry, Hannah Arendt, Giorgio Agamben, Zygmunt Bauman, and Lorna Rhodes. Less an original contribution to critical theories of violence, subjectivity, and culture, Brown’s is more an attempt to apply such existing theories to the various visual rhetorics of punishment in our time. For this reason, the book represents an important empirical study of the force of punishment beyond its formal institutions toward more just ends. *The Culture of Punishment* is a milestone for cultural criminology.

Reference

Shepherdson, Charles (1997) "A Pound of Flesh: Lacan's Reading of "The Visible and the Invisible," 27 *Diacritics* 70–86.

The Immigration Battle in American Courts. By Anna O. Law. New York: Cambridge University Press, 2010. 266 pp. \$90.00 cloth.

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In *The Immigration Battle in American Courts*, Anna O. Law uses immigration law as a case study to provide a compelling analysis of the different developmental paths of the two highest U.S. federal courts—the Courts of Appeals (the Third, Fifth, and Ninth Circuits) and the Supreme Court, for an impressive array of years: 1881 to 2002. Law, interested in institutional changes that occurred in these courts, utilizes a mixed-method analysis that yields three core arguments. First, the Supreme Court and Courts of Appeals operate in different institutional contexts; each court's unique context acts as a filtering mechanism that shapes the judges' perception of what they should be doing and how they should be doing it. Second, the contexts of both courts have slowly changed over time; as such, neither the Supreme Court nor the Courts of Appeals have played a static role in the federal judicial system. Third, the changing institutional settings of the courts have consequences for the courts themselves, for the occupants of those institutions, and in the case of immigration law, for the immigrants who appear before the courts.

While the overarching theme of this study is institutional change, the book presents a strong and nuanced analysis of the institutional context for the creation of immigration law. Chapter 2 examines the immigration bureaucracy, from the Board of Immigration Appeals to the federal courts. Law analyzes the anti-immigrant reputation of the Supreme Court, arguing that it has gained this reputation largely because it has ceded power over immigration to Congress and the executive branch. Because the Supreme Court has the power to control its own docket, it is able to decide which immigration cases to review; at the same time, the Courts of Appeals must adjudicate all of the immigration cases that are appealed to them. The number of these cases, as Chapter 3 shows, has increased significantly, and, as Law convincingly argues, "the confluence of congressional legislation first creating the structures and rules of the federal judicial system, the decision of immigrants to defend challenges to their immigration status, and