

Well-written, well-researched, and at times haunting, *Mothers Without Citizenship* is an important contribution to the scholarly literature on the 1996 immigration and welfare reforms and their impact on the lives of immigrant and refugee women.

References

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- Yuval-Davis, Nira (1999) "The 'Multi-Layered Citizen': Citizenship in the Age of 'Globalization,'" 1 *International Feminist J. of Politics* 119–36.

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Law and Society in Vietnam: The Transition From Socialism in Comparative Perspective. By Mark Sidel. New York: Cambridge University Press, 2008. Pp. x+256. \$110.00 cloth.

Reviewed by Judith Henchy, University of Washington

This excellent book illustrates the ways in which the socialist state of Vietnam responded to the legal necessities of post-*đổi mới* (renovation) integration into world affairs. Sidel's compellingly readable account explores the philosophical challenges to the one-party state in this transition, including demands for greater personal autonomy and state accountability under the law. As such, it is an invaluable work not only for the comparative law class, but also for many social science disciplines with an interest in Vietnam in particular and transitional socialist states in general. Sidel grounds his discussion in the early period of the Democratic Republic, when it embraced many disparate forces, and shows how the state was never able to completely reconcile these rebellious tendencies. By the 1950s, consolidation of state control reinforced the paradigm of constitutional instrumentalism—where law is subservient to state power—which Sidel notes is the dominant analytical framework through which Western scholars regard constitutional law under socialism.

Sidel explores the tensions between the state's desire for control and its search for legitimacy in a constitution "rhetorically generous in rights and privileges granted but politically dominated . . ." (p. 19). It is this paradox that constrains the excesses of one-party rule. For instance, he notes that the reporting of the Fatherland Front's newspaper *Đại Đoàn Kết* challenged press restrictions during a high-profile Hanoi murder and corruption case in 1993. Even this Party-led organization of intellectuals and cultural figures, beginning in the late 1980s, had become accustomed to "increasingly seeking to push the government on social, intellectual,

and legal issues” (p. 123). Another Hanoi paper noted how this murder case came to “measure the trust of the people in . . . institutions defending the law” (p. 131). Sidel explores this theme through the debates associated with the constitutional amendment process of 2001–2002, the economic and labor laws promulgated in response to an emerging market economy, and the civil society and public interest laws crafted in response to donor-sponsored projects promoting a range of governance reforms.

Sidel suggests that the constitutional amendment debates undermine the instrumentalist paradigm: calls for a constitutional court, critiques of the decentralized lawmaking authority empowering diverse local ministries and agencies, and demands for a constitutional review process that would have authority not only over statutes, but also over the Party itself, all posed threats to state control. A 2005 regulation enacted by the municipality of Hanoi restricting motorcycle ownership, a seemingly reasonable response to gridlock, brought these constitutional questions into popular focus. Seen as a direct assault on the constitutional right to own property, the outcry showed the power of an increasingly emboldened press, and also the role of local legislators who were “eager to . . . become part of a broadened political process” (p. 63). The blurring between economic, individual, and constitutional rights that emerged in the motorbike controversy also pitted the latter against the government’s legitimate political right to legislate for the “public good” (p. 89).

The question of political rights is raised in relation to the crafting of civil society and public interest laws, where “rights” are considered as “being state-granted, rather than emanating from concepts of natural rights” (p. 141). By 1989, the government recognized the need to expand legal provisions for the social organizational sector, encouraging yet controlling it through administrative means. The language of this control was initially expressed as approval (*cho phép*), rather than the less interventionist registration (*đăng ký*). Sidel points again to the tensions within the system, with the Ministry of Science, Technology and the Environment opening a regulatory window to allow more flexible terms under which to recognize voluntary organizations, including nongovernmental organizations. One of the drafters observes that “a new democratic idea was found . . . that the State acknowledged the “right” (*quyền*) of ‘citizens’ instead of the commonly used term ‘permission’ (*cho phép*) in earlier legal documents” (p. 145). Similarly, the Law on Associations was challenged by a “rebel” alternative law proposed by the Union of Science and Technology Associations that provided a broader scope for advocacy and civic participation.

In his concluding chapter, Sidel is critical of international donor agencies for enabling laws that in practice further empowered

elites and “exploitative market forces” (p. 200). While donor-sponsored legal aid projects promoted public interest law, they did little to enhance access to justice or rights. He is also critical of the donor community for not focusing on the broader question of legal education, as it had in China. As he shows, historically it was independent legal research institutions that constrained the instrumentalizing tendencies of Party control.

Finally, as noted in the introduction, some materials presented have been adapted from previously published articles, which may account for some repetition in the book. While this is not a substantial distraction from its arguments, it is perhaps reason to question its \$110 price tag. It is also disappointing that a book of this price and stature neither carries Vietnamese language diacritics nor includes a clarifying glossary.

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The Perils of Federalism: Race, Poverty, and the Politics of Crime Control. By Lisa L. Miller. New York: Oxford University Press, 2008. Pp. v+254. \$39.95 cloth.

Reviewed by Doris Marie Provine, Arizona State University

This book explores the ever-timely topic of crime control from the perspective of communities that suffer high rates of criminal violence but tend to be marginalized by the political process. Miller’s target is not racism or class prejudice per se, but the structure of contemporary American federalism, which advantages policy bureaucrats, professional advocates, and moral entrepreneurs over the community members who feel the brunt of criminal violence and insensitive crime-control policies. The root of the problem, Miller suggests, is a federal structure that allows too many entry points for advocates. The local voices tend to get lost at the state and national level.

Miller focuses on the problem of gun control, offering readers the example of Philadelphia’s efforts to track concealed weapons. The policy was popular in Philadelphia, but not in the state legislature, which rejected the city’s efforts to set standards for gun purchases. Had this book been written after *District of Columbia v. Heller* (554 U.S. — [2008]), Miller might have added the Supreme Court as another top-down institution that is not particularly sensitive to how local communities experience crime and violence.

Her target, however, is not the tendency for more and more policies to be pre-empted by Congress, the executive, or the Supreme Court, a trend toward nationalization that has been praised and blamed by others (see, e.g., Feeley & Rubin 2008 and Chemerinsky 2008). Rather, her argument is with the growing