

and the state, postcolonial legal studies, and law and society more generally.

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The Collapse of American Criminal Justice. By William J. Stuntz. Cambridge, MA: Belknap Press of Harvard University Press, 2011. 432 pp. \$35.00 cloth.

Reviewed by Johann A. Koehler, University of Cambridge

William Stuntz's posthumous *Collapse of American Criminal Justice* marks a fine, albeit tragic, end to the career of a superb scholar of criminal law. The book deals with what Stuntz refers to as the "unraveling" of American criminal justice. Stuntz contends that three trends that have emerged in the last 60 years define American criminal justice today: the collapse of the rule of law, manifest in official discretion superseding legal doctrine and jury decisions in determining criminal justice outcomes; the proliferation of racial discrimination, evident in black overrepresentation in incarceration rates; and the pendulum justice of extreme penal appetites from lenity in the mid-20th century to severity since the 1970s.

All three contentions build upon themes Stuntz explored in previous work (e.g., see Stuntz 2001), although this book represents his first attempt to synthesize them in a format appropriate for a general readership. The tone is lucid and engaging. The text has been organized in such a way that all the references appear in endnotes, and although this makes for a more fluid reading experience, it unfortunately renders close scrutiny of Stuntz's meticulous research utterly exhausting and cumbersome.

The book is organized into three sections. The first explains how the American criminal justice system has been configured in such a way that allows the "unraveling" to occur in the first place. Stuntz charts the change of American criminal justice administration from a mode emphasizing local democracy to one characterized by centralized authority and discrimination since the 1840s.

The second section, which forms the main body of the book, explains the origins of the criminal justice system's current arbitrariness, discrimination, and severity. According to Stuntz, in the years following Reconstruction, 14th Amendment equal protection

guarantees were repealed, leading the federal government to expand its purview and to centralize justice administration in order to protect newly freed ex-slaves from Ku Klux Klan predation. This ultimately led the Warren court to create due process provisions, such as *Miranda* and *Mapp* a century later, to protect blacks from modern forms of racial injustice.

Contrary to expectation, these decisions resulted in modifications that allowed prosecutors and law enforcement personnel to wield much greater discretion than juries and judges in determining just verdicts. Furthermore, as crime began to concentrate in cities, suburban citizens affected less by crime were given a disproportionate share of influence in voting for the prosecutors responsible for adjudicating crimes (see also Simon 2007). Ultimately these factors exacerbated racial inequality and precipitated an exponential increase in public punitivity.

The third and final section, which serves more as a departing wish than as a fully refined analysis, explores what steps might reverse the unraveling. Stuntz emphasizes a decentralization of justice administration to local control, in the hopes that it would facilitate the more sparing use of criminal punishment. Although the chapter is theoretically underdeveloped, it has a profoundly heartening conclusion.

Stuntz adroitly constructs a cogent argument from a wide variety of data sources, ranging from primary legal documents to secondary historical and empirical political science research. However, the original contribution of the book is not to be found in any one particular chapter or analysis; rather, it is the synoptic perspective afforded by looking at all the pieces Stuntz provides in one, coherent vision. In this, he succeeds admirably.

My reservations about the book are slight. First, for a book as thoughtfully considered as this, the titular *Collapse* is, while inviting for a front cover, somewhat peculiar; this is especially so given the more apt “unraveling” Stuntz offers throughout the rest of the book. *Collapse* connotes a spontaneity and irreversibility that belie Stuntz’s description and his suggestions for improvement offered at the book’s end. My other, more substantial, misgiving is that Stuntz’s exposition at times seems somewhat *too* exhaustive: for example, his account of the 1876 decision in *U.S. v. Cruikshank*, which resulted in the narrowing of federal equal protection provisions, was unnecessarily thorough; the point could have been made in far less detail for equal effect.

These minor issues notwithstanding, this is a tremendous book. In addition to being a compelling read for the interested nonspecialist, *Collapse* would be suitable as an assigned text in an upper-level elective syllabus for a class on race and criminal justice, or for a course focusing on procedural and substantive criminal law.

However, the book's merit extends far beyond these disciplines alone: there is food for thought for political scientists, historians, and sociologists alike. It is a fitting swan song for Stuntz's career.

References

- Simon, Jonathan (2007) *Governing through Crime*. New York: Oxford Univ. Press.
Stuntz, William J. (2001) "The Pathological Politics of Criminal Law," 100 *Michigan Law Rev.* 505–600.

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Second Wounds: Victims' Rights and the Media in the U.S. By Carrie A. Rentschler. Durham (NC): Duke University Press, 2011. 296 pp. \$23.95 paper.

Reviewed by David A. Green, John Jay College of Criminal Justice, CUNY

Carrie A. Rentschler's *Second Wounds: Victims' Rights and the Media in the U.S.* is a well-written and well-documented work of scholarship that draws on a range of novel data sources to analyze the discursive ways in which victims' rights groups of various stripes engage in political work. With the exception of one chapter examining curricular training materials for journalists, Rentschler's focus on the media is mostly secondary—as the means of shaping and facilitating the strategies that victims' rights advocates utilize to campaign for their causes. It's a book that covers a lot of territory skillfully, and it deserves close attention from scholars in a range of disciplines, including cultural studies, criminology, sociology, feminist studies, and media studies. The book unfolds in two sections with a total of six chapters, not including the introduction and conclusion. The first section contains two chapters providing a historical overview of the victims' rights movement from 1964 to the present and discussing the ways in which its discourses have come to be utilized. This includes the "ventriloquism" of crime victims (34) by law-and-order proponents and, in the second chapter, how the law-and-order movement has helped to shape both notions of legitimate victimhood and the scripts that activists use to describe victims. The second part of the book, which includes chapters 3 to 6, focuses on the "second wounds" in the title and the media strategies that national victims' rights organizations use to "reappropriate" the