

institutions of social control marked by race, class, and gender biases. More than 50% of the women in Giordano et al.'s study do not have custody of at least one of their minor children, and many report having faced child-endangerment charges, charges that fathers seldom face. Meanwhile, the women in Dugan and Castro's study, who have tried to survive on streets and in homes where they are at high risk of violent victimization, and who have distinguished themselves by fighting back against their offenders, end up incarcerated.

Perhaps these critical remarks simply reflect the distinct disciplinary traditions informing criminological and law and society research. But such criticisms aside, the rich empirical material contained in *Gender and Crime* still makes it a valuable resource for law and society scholars interested in females' experiences with criminal offending and victimization.

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*Same-Sex Marriage: The Cultural Politics of Love and Law.* By Kathleen E. Hull. Cambridge, United Kingdom: Cambridge University Press, 2006. Pp. 294 pages. \$75.00 cloth; \$29.99 paper.

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Same-sex couples today rely on a variety of cultural practices to define their relationships as marriages—from public commitment rituals to private ring exchanges to the use of marriage-related terminology to refer to their partners or relationships. Such practices suggest that many same-sex couples embrace the cultural aspects of marriage even when they cannot obtain the legal status and benefits derived from state recognition. Drawing on data from interviews with more than 70 gays and lesbians in committed relationships, as well as participant-observation of commitment rituals and content analysis of public debates over same-sex marriage in Hawaii and Vermont, Hull provides a compelling analysis of how gays and lesbians understand the relationship between the cultural and legal dimensions of marriage.

The book makes two main arguments. First, Hull argues that the case of same-sex marriage highlights law's distinctive cultural power, beyond its capacity to deliver specific rights and protections to individual citizens. In explaining their support for legal recognition of same-sex relationships, virtually all of the gays and lesbians in her study cited the practical benefits of legal marriage—access to health insurance or Social Security benefits, tax benefits, and decisionmaking authority in hospitals. But many

participants also spoke of the cultural legitimacy that legal marriage would bring to same-sex relationships, articulating the belief that equal legal treatment of their relationships would lead to greater social acceptance of gays and lesbians.

Comparing these justifications for legal recognition with the arguments made in public debates over same-sex marriage, Hull makes the striking observation that same-sex couples' interest in the symbolic benefits of legal recognition was better represented in the public discourse of opponents than of supporters of same-sex marriage. Public advocates for same-sex marriage relied heavily on the rhetoric of rights and equality but frequently downplayed the cultural legitimacy effects of legal recognition. By contrast, opponents of legal recognition viewed the relationship between law and culture as obvious—indeed, it was precisely the cultural legitimacy conferred by legal recognition that they feared. In this sense, Hull finds an ironic parallel between the views of public opponents of same-sex marriage and those gays and lesbians who sought legalized marriage for its legitimating effects: both groups viewed the cultural message of state recognition as one of inclusion and acceptance, and while opponents acknowledged and feared this legitimacy effect, many gays and lesbians actively pursued it.

That Hull's participants believed in law's perceived symbolic power to legitimize, normalize, and equalize same-sex relationships is not in itself a novel finding. This assumed causal relationship between official law and broader social transformation lies at the heart of Scheingold's 1974 articulation of the "myth of rights." But where some sociolegal scholars have argued that the cultural belief in the power of rights is something that can be mobilized as a political resource in social reform efforts, Hull's findings suggest that in the case of same-sex marriage, rights discourse alone—stripped of substantive arguments for marriage as a moral or social good—fails to fully resonate with many gays and lesbians. Why public advocates for same-sex marriage have deliberately decoupled the legal and cultural implications of state recognition (a strategy not seen in the legal reform efforts of the black civil rights or women's movements) and what the consequences of this strategy will be for marriage reform efforts are important questions raised by Hull's work, suggesting a number of promising avenues for future research on legal mobilization.

Hull's second major argument is that participants' cultural enactment of marriage creates an alternative legality outside the framework of "official" law. Participants themselves do not consciously conceive of themselves as "enacting legality" by participating in commitment rituals, nor is there much evidence that they seek to transform or challenge the institution of marriage through their participation in such rituals. Hull thus raises the

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

Scheingold, Stuart A. (1974) *The Politics of Rights: Lawyers, Public Policy, and Political Change*. New Haven, CT: Yale Univ. Press.

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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