

system—the majority of them Black and Brown—desperately seek, and yet rarely find, a measure of justice and recognition of their common humanity.

Van Cleve's book is nothing less than a *tour de force*, and a clarion call for bringing egalitarian principles of racial and social justice to our most overlooked of criminal justice institutions, the courts. It forces us to confront “the everyday miscarriages of justice” that pervade today's courts, asking us what has become of Gideon's trumpet in the age of spatially and racially concentrated “mass incarceration.” The book is destined to become a classic, and ought to be on the mandatory reading list for citizens, law and society scholars and all sentient social scientists.

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*Punishment in Popular Culture*. Eds. Charles J. Ogletree, Jr. and Austin Sarat. New York: New York University Press, 2015. 320 pp. \$27 paperback.

Reviewed by Jessica Silbey, Northeastern University

The editors of *Punishment in Popular Culture* remind us that “through practices of punishment ... cultural boundaries are drawn, that solidarity is created through acts of marking difference between self and other, that these processes proceed through dis-identification as much as imagined connection.” (p. 2) This is no doubt true about the organization, justification and reception of various forms of punishment in society. It is no less true about the creation and cultivation of popular cultural forms of entertainment such as television and film. To be sure, punishment acts directly on bodies. And cultural forms—visual or textual stories about punishment or justice—act on bodies less directly. But both act on us, constituting individuals and communities as subjects, shaping our expectations and desires, implicating us in the moral points made. “Narratives do not stand outside social authority – they are part of it.” (Binder and Weisberg 2000: 23)

*Punishment in Popular Culture* is a collection of essays about the representation and circulation of stories about punishment and justice. The essays take as given the constitutive force of popular culture and combine it with the deeply rooted discourses about punishment to demonstrate their interdependence. Contributors to the volume are legal scholars, cultural critics, and social justice

advocates, attending to the appropriation and reconfiguration that law and popular culture accomplish as part of their mutually dependent reasoning. Alert to both historical truths about punishment and justice as well as to “stereotypes that circulate through culture like . . . contagion,” (Binder and Weisberg 2000: 27), stories that contain both truth and stereotypes “organiz[e] and speak[] the world.” (Binder and Weisberg 2000: 14). This is the power of popular cultural narratives. In critiquing cultural forms about prisons, the death penalty, and police corruption, the contributors ask whether our justice system is succeeding or failing by asking how popular culture enables audiences’ critiques of the ultimate power law has: to degrade human bodies through its purposive use of violence.

The parallels between the socio-political mechanisms of punishment and the constitutive forces of cultural narratives are ever present in this volume. Punishment requires subjective-objective relations of guilt and responsibility as well as shame and retribution to function as a disciplining force in and outside the law. Cultural narratives too, to stick and regenerate stories that further ground and reproduce shared moral values, combine individualization, and identification with broad discursive practices that bind communities around shared meanings to shape realities. As Richard Sherwin has written, popular cultural narratives (especially the visual forms) are “no idle diversion. . . . It is where people look these days for reality.” (Sherwin 1996: 894, 896). But cultural forms—like forms of punishment—also provoke imagination, the “might-have-beens” and “might-bes” as the editors describe them. (p. 5) We cannot help project ourselves into scenes of punishment. Likewise, narrative form (visual narratives especially) calls upon audiences to identify with subjects to stitch together the story through a combination of empathic dread and relief. Between the moments of decision and action, we consider our options and possible reactions. We thus participate in the story unfolding contemplating alternatives to the social order depicted and judging the outcome as well as its inhabitants.

The book is divided into three parts, roughly corresponding to forms of critique. The first part containing chapters by Lary May and Aurora Wallace reads film and television texts, respectively, to explain the appeal of a particular “American” form of punishment. May reads a set of crime films from the 1970s to the 1990s that he calls “backlash films” as a response to the counterculture movement of the 1960s. Hero-vigilantes such as Clint Eastwood or Charles Bronson inspire self-defense and, May argues, form the background for the neoliberal shift in American politics under President Reagan. Aurora Wallace focuses on a National Geographic series called “Locked Up Abroad” that through investigation of foreign penal systems implicitly valorizes the American form and,

unsurprisingly, American exceptionalism. Both of these chapters explicitly tie social institutions and political movements to popular cultural narratives of law-breaking and justified violence. Although both chapters are mostly close readings of visual texts (films and television), for their social critique they depend on the interdependence of aesthetics and ethics.

The second part criticizes legal order and its forms of punishment. Kristen Whissel writes about Classical-era Hollywood prison films as a form of melodrama. Melodrama draws on extreme states of being and polarization of emotion to uncover the ethical stakes and severity of different forms of punishment. Kristin Henning's chapter focuses on HBO's *The Wire* (Season Five) to critique the justification of punishment as retributive and consequentialist. Through *The Wire's* story of corrupt police, Henning persuasively argues that the dystopian community blurring legal enforcers and criminals undermines the stereotype of "justice by any means" meted out by heroic police officers from police procedurals of the 1980s and 1990s. (This is an understatement and a particularly prescient critique, especially in light of the Black Lives Matter movement.) Daniel LaChance's contribution is also a story of race, violence, and punishment, but the subjects are white men who experience redemption and empowerment in prison by shedding racial privilege due to their own experience with sexual violence and oppression. LaChance mixes discussions of film (*American History X* and *Shawshank Redemption*) with television (*Oz*) but in all cases hues to the texts' narrative arcs and visual symbolisms to explain the role of race in the perpetuation of violent forms of law's social control.

The third and last part most viscerally focuses on legal procedure and punishment: executions, torture, and photographic evidence of crime. Austin Sarat and his co-authors draw on common visual structures in filmic scenes of execution to explain the variations in investment in and judgment of the state's power to kill. Amy Adler's chapter analyzes the photographs of torture from Abu Ghraib prison as drawing on mechanisms of pornography to both exploit and entice viewers, provocatively labeling the cultural phenomenon as "torture porn" and comparing its affects to reality television in which contestants agonizingly compete and brutalize one another. The final chapter by Brandon Garrett focuses on visual evidence in criminal trials (photographs and videotapes) as well as forensic evidence. Because of the enduring cultural narratives around such objects (see the previous chapters!), these forms of evidence are overdetermined and highly prejudicial. Unjust punishment flows from these visual forms precisely because of the cultural narratives that have generated their overdetermined and

generalized relevance outside the legal system that demands individual and particular justice.

This book is a rich collection of essays each of which could be read on its own in classes on law, politics, sociology, criminology, philosophy, and media studies. As a whole, the book is only the beginning of a deeply important conversation about the state's persistent and suffocating mechanisms of control justified as legal punishment for criminal behavior but which punishment we see and understand through popular culture to be discriminatory and inhumane. Whether we understand popular culture as a window onto reality, as unmasking hidden structures and meanings in society, or as a constitutive force in the socio-political institutions that bind and organize us, we know these stories work on us and persist through us. When their subject is punishment and justice, stakes seem higher and their effect on our bodies greater. This book calls us to pay attention, and indeed it is captivating. *Punishment in Popular Culture* is a well-conceived book hopefully followed by many others developing its themes.

## References

- Binder, G., & Weisberg, R. (2000) *Literary Criticisms of Law*. Princeton, NJ: Princeton Univ. Press.
- Sherwin, R. (1996) "Picturing Justice: Images of Law and Lawyers in the Visual Media," 30 *Univ. of San Francisco Law Rev.* 891–901.

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*The Beginning and End of Rape: Confronting Sexual Violence in Native America*. By Sarah Deer. Minneapolis: University of Minnesota Press, 2015. 232 pp. \$22.95 paperback.

Reviewed by Evelyn Rose, The University of Melbourne

Native American scholar Sarah Deer's new book is a timely and valuable contribution which offers a wide-ranging and insightful consideration of the crisis of sexual violence against Native women. The author opens by challenging the description of this problem as an "epidemic," arguing that the term depoliticizes the issue by conjuring images of a mysterious, spontaneous problem of unknown origin. Deer wastes no time in convincing us that, in reality, the rape of Native women is founded upon a history of state-sponsored