dramatic as state officials encounter problems of their own making and must continually devise new rules to sustain tests for race and intimacy. Regimes—racial or otherwise—take a lot of work to maintain, but that does not mean that they are easy to dismantle.

Case Cited

Burns v. State, 48 Ala. 196 (1872).

Images of Restorative Justice Theory. Edited by Robert Mackay, Marko Bošnjak, Johan Deklerck, Christa Pelikan, Bas van Stokkom, and Martin Wright. Frankfurt am Main: Verlag für Polizeiwissenschaft, 2007. Pp. xiv+266. $32.00 paper.

Reviewed by Rosalie R. Young, State University of New York at Oswego

This volume, consisting of an introduction and 13 chapters, was an outgrowth of the work of the Theory Working Group of the European Co-operation in the Field of Scientific and Technical Research (COST) Action A 21: Restorative Justice Developments in Europe. The authors include scholars from Europe, Israel, South Africa, and the United Kingdom. The three overarching themes and sections in the book are Restorative Justice and Society, Restorative Justice and Law, and Restorative Justice Processes. The articles thus focus on restorative justice theory on both micro- and macrolevels.

The goal of the authors and editors of this volume is to stimulate discussion and debate about restorative justice theory drawn from research and practice. As such, the various contributions look at diverse efforts to involve individuals and communities in peacemaking, criminal justice, and conflict resolution from the varied perspectives of criminology, sociology, psychology, law, linguistics, and philosophy. These researchers, practitioners, and administrators include within their articles a focus on the political aspects of past, current, and future restorative justice practices, processes whose goal is to assist those in conflict to communicate past wounds and promote positive interaction and healing.

Most intriguing for this reviewer is the obvious effort of each of the authors to include the positive and negatives of their concepts and opinions, as well as the conflicting and supporting analysis of other scholars. Common to most restorative justice theories and practices are the goals of inclusion, responsibility, and community self-determination, rather than the promotion of guilt, retribution, and punishment. The question many of the authors raise is whether the variety of restorative justice practices promotes these values.

https://doi.org/10.1111/j.1540-5893.2009.00378_5.x Published online by Cambridge University Press

Throughout the book, the scholars recognize that defining restorative justice is thus far a difficult if not impossible task, often depending upon whether the focus is on such issues as outcomes, criminal practices, or political ideologies (p. 234). Even similar terms have different meanings in disparate locations throughout the world. A number of articles in this volume focus on the value and importance of punishment and guilt. Is punishment an implementation of government power, retribution, or a demonstration of responsibility for an offensive act? Is punishment an expression of immoral retribution, or is punishment necessary to defuse public anger over wrongdoing? Does punishment act as a deterrent? Will the public put its trust in the legal system and/or restorative justice if there is no punishment?

And what does punishment do for the victim who is generally left out of the legal system's response to the offender? Various forms of restorative justice, whether traditional or newly developed, foster the interaction of the victim, offender, and often community representatives in dialogue, which can lead to healing and renewed trust for all concerned. The promotion of guilt is an equally controversial issue. Does promoting shame or remorse result in a sense of empathy for those who have been wronged, or does such a focus on emotions promote anger and defensiveness on the part of the offender (pp. 17–18)?

Throughout the chapters, the authors debate these and other issues, raising questions about whether the values and practices of restorative justice complement or conflict with each other. They compare various legal policies and criminal justice procedures, noting that restorative justice and criminal justice deal with similar issues from differing perspectives. Restorative justice focuses on healing and reparation, while criminal justice generally focuses on punishment (p. 177). Criminal law, however, is a generalized political response to prohibited activities and legal dilemmas. Restorative justice practices allow victims, offenders, and community stakeholders, where interested, to utilize formal legal policies to develop solutions to individual situations (p. 145).

Although these authors are obviously proponents of restorative justice, they recognize that there is broad diversity within restorative justice theory. They have worked to clarify their views and demonstrate the similarities and differences in the theoretical constructs of other scholars. As in most good works, they have stimulated more questions than answers and press the reader to carefully evaluate their analyses.

The editors and authors have compiled a stimulating collection of articles, each with a broad array of references to other works. I would recommend this book to practitioners, scholars, and

https://doi.org/10.1111/j.1540-5893.2009.00378_5.x Published online by Cambridge University Press

students who have a familiarity with restorative justice practice, theory, and vocabulary. The clearly written articles anticipate a prior understanding of restorative justice.

***

Legal Ethics and Human Dignity. By David Luban. Cambridge, United Kingdom: Cambridge University Press, 2007. Pp. xii+337. $90.00 cloth.

Reviewed by Thomas Ehrlich Reifer, University of San Diego

Luban is arguably one of the most brilliant and prolific legal ethicists writing today. Having earlier written pioneering works, drawing from sources as varied as Walter Benjamin, Talmudic texts, and Martin Luther King Jr., Luban returns to his central themes in this collection. Here Luban demonstrates many of his classic strengths: close textual reading and brilliant criticism from the vantage point of ethics and morality. The richness can only be touched upon.

In Chapter 1, "The Adversary System Excuse," Luban returns to the critique of the role of lawyers as "hired guns" first taken up at length in his book *Lawyers & Justice* (1988). He cites Macaulay's question: "whether it be right that a man should, with a wig on his head ... do for a guinea what ... he would think it wicked ... to do for an empire" (p. 9). Answering no and writing at a time when questions of the law are at the forefront of contemporary moral questions, Luban's self-conscious antinomies are perhaps best summed up in the title of his second chapter, "Lawyers as Upholders of Human Dignity (When They Aren't Busy Assaulting It)."

Luban is acutely aware that the universe of moral decision-making today involves primarily questions of "organizational evil," in which moral responsibility is "subdivided" and therefore often eluded in its entirety (p. 7). The paradigmatic example of this in the twentieth century is the Holocaust. In fact, the example of the machinations of Nazi "legality" is taken up briefly in the chapter "The Torture Lawyers of Washington." Luban argues that "we would have to go back to the darkest days of World War II, when Hitler's lawyers laid the legal groundwork for the murder of Soviet POWs and the forced disappearance of political suspects, to find comparably heartless use of legal technicalities ... " (p. 163). Responding to claims by the "torture lawyers" of the Bush Administration—first made in secret—that the President, in his

https://doi.org/10.1111/j.1540-5893.2009.00378_5.x Published online by Cambridge University Press