

procedures that uncovered police brutality and ensured that the new standards were being observed in the field.

Not every police department has instituted a meaningful set of reforms, however. Epp acknowledges that legalized accountability can amount to little more than window dressing, an effort by policing organizations to comply with institutional developments without actually producing any meaningful change. Yet his model shows that the depth of a local department's commitment to reform varies according to the strength of the local legal advocacy networks' challenges of police misconduct and the department's connections to professional networks.

Epp's book makes any number of important contributions to many different fields. For example, our existing models of law and organizations portray legal regulation and oversight as a threat to organizations, one whose impact can be minimized but is a threat nonetheless. Epp offers another view: that managers and professionals within those organizations are often acutely aware of the need for reform and are themselves frustrated by the slow pace of bureaucratic change. Epp suggests our models need to include the interests of these professionals in our accounts of the impact of litigation. Yet Epp's book will be interesting to scholars beyond law and organizations. The book contributes to rights mobilization research by situating social movement litigation in wider networks of allies and interests, providing much-needed context for understanding how rights movements work. Students of social movements should consult Epp's framework as they assess social movement impacts. And cause-lawyering researchers could take up Epp's account of advocacy networks that include not just activist attorneys, but also experts and management professionals working together.

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*Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism.* By Karuna Mantena. Princeton: Princeton University Press, 2010. 296 pp. \$42.00 cloth.

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Over the past decade, research on the nature of empire and colonialism has been transformed by Uday Singh Mehta's (1999) path-breaking work on the complex relationship between liberalism and

empire. Karuna Mantena's book makes a new intervention that seeks to engage with Mehta's argument that the stance generated by liberalism toward other cultures endeavors to assimilate difference. Mantena argues that there is a deep complicity between liberalism and culturalism, which can be perceived by the culturalist reactions evoked by liberalism. Therefore one must focus on liberalism's unintended consequences, reactions, and resistance rather than limiting oneself to the theoretical assumptions behind its norms. Her work also engages with other scholarship on the question of liberalism and empire, such as that of Sankar Muthu (2003) and Jennifer Pitts (2005).

In making this argument Mantena explicates the shift in the ideology of imperialism from a reformist perspective to a culturalist one through the work of the comparative jurist Henry Maine. The structure of the argument is well organized in the five chapters of the book. The first chapter provides an exhaustive account of the work of influential figures such as Edmund Burke, James Mill, Charles Grant, and James Fitzjames Stephen in the early phase of empire. This phase was characterized by the idea of welfare and reform, particularly reflected in the idea of improvement in Mill's political philosophy which was later sharply criticized by Stephen. These theoretical tensions in liberalism, along with the Indian Mutiny of 1857, led to a shift in attitudes: the goal of self-government was rejected in favor of new governing practices based on models provided by social theory. The second chapter demonstrates the connection between empire and social theory. The origins of nineteenth-century social theory lie in the distinction between ancient liberty and modern liberty made in the aftermath of the French Revolution. A new model of traditional society, in which Henry Maine was instrumental, was developed using the comparative method. The common history of Aryan peoples implicated India and Europe in an evolutionary framework. Early Aryan social structures were described as being in a process of transition from the patriarchal family to the village community. In the evolution into modern society, family dependency dissolved into individual obligation, wherein social relations were defined by the free agreement of individuals. These social categories of family and village community enabled the axis of comparison among the different Aryan peoples (Indian, Celtic, Germanic, and so on), thus allowing Maine to formulate his theory on the development of Western legal systems as being a movement from status to contract.

The third chapter analyzes Maine's role in the colonial project of codification in India, illustrating Mantena's contention that the invention of traditional society was essential to indirect rule. Mantena suggests that Maine was concerned with codification as a historically valid process and should not be understood as a reluc-

tant legislator or as an advocate for complete codification. The historical development of Roman law, culminating in its systematized and coherent codes, embodied the right process of codification, unlike the distorted Brahmanical codes of Hindu law, which were not based on genuine custom.

The fourth chapter explains Maine's theory on the growth of individual obligations and its role in the emergence of private property. This led to the concern that liberal and utilitarian models of reform were undermining native society. The fifth chapter explains how Maine's view of native society in crisis influenced colonial administrators in developing representative institutions, leading to changes in policy, particularly agrarian strategy. It also shows how this model of traditional society was imported to other parts of the world, such as Africa and the Pacific.

Mantena's argument that liberal justifications became "culturalist alibis" suggests a problem and not an answer: why does liberalism evoke a culturalist reaction? Mantena's explanation that the structure of liberal imperialism engenders such a reaction merely renders liberalism illiberal and does not resolve the problem that she poses. For an adequate answer to the problem one needs to analyze the culturalist nature of such consequences. In failing to make such an analysis, Mantena takes European descriptions of Indian culture for granted. This becomes obvious in her criticism of the evolutionary framework used to describe the Aryan peoples, in which she comments that certain property-related concepts were used to create a history of the Aryan peoples that placed Europe at the apex. Such criticism, however, assumes that there is a common history to the Aryan peoples by failing to interrogate the project of comparative philology. In the context of the Aryan invasion of India, scholars (Bryant 2001; Trautmann 1997) have conclusively argued that comparative philology is based on biblical chronology, and its main concern is to track the dispersal of the sons of Noah after the fall of the ark. Therefore, if the history of the Aryan peoples can read as a history of Christianity, questions arise on the role that religion has played in colonial policy and legal reform. Mantena fails to analyse these implications for the culturalist nature of liberalism.

Mantena's focus on the work and career of Henry Maine as evidence for her argument does not sufficiently emphasize how law as a liberal imperialist strategy was used to entrench cultural difference. In arguing that traditional society as an invented category was reflected in law and policy, she elaborates neither on the legal discourse that such a category produced nor on the fact that this legal discourse could have served as the basis for indirect rule. The characterization of Maine's position on codification as being different from those of the orientalist and the utilitarians does not tell us

why he considered codification an important strategy. This is of importance, as the movement toward codification in Europe was actively resisted in England. In this context, Mantena's explanation that Indian codification served as an experiment with legal reform that could be reimported needs more evidence.

Despite weaknesses in the argument, Mantena's clarity and precision in analyzing and formulating the problem of the relationship between liberalism and empire makes this book required reading for historians, legal studies scholars, political theorists, and those in the field of empire studies.

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*Rehabilitating Lochner: Defending Individual Rights against Progressive Reform*. By David E. Bernstein. Chicago and London: University of Chicago Press, 2011. 208 pp. \$45.00 cloth.

Reviewed by Ronald C. Den Otter, California Polytechnic State University, San Luis Obispo

In the penultimate scene of John Ford's *The Man Who Shot Liberty Valance* (1969), the reporter remarks, "When the legend becomes fact, print the legend." David Bernstein's well-written, concise, and provocative book, *Rehabilitating Lochner*, is designed to debunk the legend of one of the most infamous U.S. Supreme Court decisions. The author goes into considerable detail about how liberal judges and scholars distorted the decision itself and the era named after it, as well as how they failed to give liberty of contract the credit that it deserves for serving as the basis of some of the decisions that they hold sacred. Anyone who is interested in American constitutional history or law will learn a lot from this book.

After the introduction, Bernstein explains why in 1905, *Lochner* was a plausible legal decision rooted not only in precedent but also