

smuggling operations, they are ill-suited to dealing with the actual situation” (p. 230). Law enforcement should “stop searching for the big fish.” Instead, he says they should focus on disrupting the smuggling networks and go after the lawyers, paralegals, travel agencies, employment agencies, and other businesses that feed and facilitate the smuggling phenomenon. I echo this recommendation, but would add that it should be extended to human trafficking as well.

Sociology of Law: Visions of a Scholarly Tradition. By Mathieu Deflem. Cambridge: Cambridge University Press, 2008. Pp. x+348.

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The next time you see a legal sociologist, give him a reassuring hug or tell her that the field is producing interesting and valuable work. If Mathieu Deflem is a reliable guide, this confidence boost will be welcome. Sociologists of law, by Deflem’s account, uneasily occupy a netherworld between sociology and sociolegal studies (the law and society field).

Within the discipline of sociology, “the sociology of law is in many ways still an underdeveloped specialty area. . . in terms of its reception and status” (p. 3). Legal sociology has suffered “marginalization and exclusion” from sociology (p. 2). “It is clear that sociologists of law still have to actively make the case towards their peers that their specialty too belongs to the discipline at large” (p. 3). Sociologists are suspicious of the disciplinary bona fides of legal sociologists in part because the latter have “retreated” to the field of law and society—a move that Deflem attributes not to “intellectual considerations” but to “the relative attractiveness of employment in law schools” (p. 4). The relocation of legal sociologists to law and society has “tragically . . . affected its perception by sociologists in other areas of research” (p. 4).

Although legal sociologists have flourished in the law and society field, Deflem laments that this move has progressively dissolved legal sociology’s unique identity. “This development not merely led the sociology of law to become one among other social-science perspectives of law that are presumably on equal footing, it remarkably also brought about an appropriation of the sociology of law in those fields that are not organizationally nor intellectually situated in the discipline of sociology” (p. 2). “The resulting situation is such that the sociology of law has, some exceptions notwithstanding, lost its distinctive place in socio-legal studies as well as in sociology” (pp. 2–3). Deflem does not claim that legal sociology is superior to other empirical approaches to law (history, political science, behavioral economics, and psychology), only that it has a special identity that merits preservation.

Deflem thus presents the book as an extended argument for recognition:

“The most important contribution that I hope readers will reach from this book is that the sociology of law offers something unique and valuable among the various specialty fields in the discipline [of sociology] and alongside of other social scientific perspectives of law” (p. 14).

Sociology of Law: Visions of a Scholarly Tradition adeptly covers a broad range of theoretical and empirical topics on law. The work of major historical and contemporary figures in sociology is elaborated on, including Max Weber, Émile Durkheim, Karl Marx (who wrote relatively little about law), Eugen Ehrlich, George Herbert Mead, Talcott Parsons, Jürgen Habermas, and Niklas Luhmann. A variety of research findings is mentioned, including aspects of the legal profession, criminal prosecution, courts, punishment, alternative dispute resolution, race, euthanasia, international crime control, and more. It offers a readable, wide-ranging tour of thought about law and society. The book is a worthy addition to existing texts on the sociology of law (see esp. Roger Cotterrell, *The Sociology of Law: An Introduction*, 2d ed. [Butterworths, 1992]); and it covers, though with a heavier than usual emphasis on theory, much the same territory as general texts on law and society (see, e.g., Steven Vago, *Law and Society*, 9th ed. [Pearson Prentice Hall, 2009]).

This is an interesting and informative book. However, for two main reasons, it appears unlikely to advance Deflem’s proclaimed objective to establish the distinctiveness of legal sociology. First, sociology is riven internally by a multitude of cleavages in perspective. This unruly state of affairs, naturally, is mirrored in legal sociology. Consequently, an overview of legal sociology leaves the impression of a multifarious diversity of approaches (positivists, interpretivists, postmodernists, critical theorists, holists, methodological individualists, etc.), not a defining or unifying *sociological* identity. Second, Deflem’s discussion regularly ranges beyond sociological boundaries. The ideas of Jeremy Bentham and Henry Maine, among other nonsociological theorists, are explored; the work of Roscoe Pound and the legal realists are related at length; critical legal studies and critical race theory make extended appearances; and there are several discussions of legal doctrine (e.g., gay rights and abortion rights; oddly, his analysis of abortion law fails to explore the social backlash that has limited access to abortion providers). These regular forays outside of legal sociology tend to blur the very distinctiveness Deflem wishes to establish.

To this reader—a law professor—Deflem appears to be caught in a struggle between his professional aspirations for his particular discipline and his instincts as a social scientist gathering and conveying knowledge about law. The former impulse finds it necessary to play up the unique contribution of sociology, while the latter impulse aims to illuminate legal phenomena (regardless of the source of knowledge). When the former is dominant, the latter can lose out. For example, political scientists have completed informative studies on courts and legal anthropologists have done essential work on cultural attitudes toward law, but incorporating

the insights from these other disciplines—which Deflem mostly omits—would compromise his professional objective.

From my catholic sociolegal sensibility, there is no dilemma: the disciplinary pedigree of reliable information about law matters not. That is precisely the attitude Deflem wants to resist. The sociology of law, he insists, is an essential part of the science of society, and must be developed in these terms.

The desire to maintain the disciplinary identity of legal sociology against the dissolving encroachments of sociolegal studies has been a recurring concern of European legal sociologists for the past two decades. American legal sociologists, in contrast, have put little effort into this debate. Deflem (trained in Europe) slyly hints, without elaboration, that the latter have been seduced by their success in the law and society field. Whatever the reasons, there is a notable cross-Atlantic disparity in attention to this issue. Perhaps, then, only European legal sociologists need the reassuring hug called for at the outset.

Crime, Punishment, and Mental Illness: Law and the Behavioral Sciences in Conflict. By Patricia E. Erickson and Stephen K. Erickson. New Brunswick, N.J.: Rutgers University Press, 2008. Pp. vii+218. \$21.95 (paper).

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Since deinstitutionalization in the 1960s the transinstitutionalization of individuals with mental illness has been a concern of psychologists, social workers, sociologists, and philosophers. However, less is known about how the legal community approaches the issue. *Crime, Punishment, and Mental Illness* by Patricia E. Erickson and Stephen K. Erickson highlights the legal system as the social institution dominating the disposition of mentally ill offenders. It does so by contrasting the approaches of the behavioral sciences and the criminal justice system in addressing individuals with mental illness who break the law. Essentially, the authors explain the social construction of mental illness as a criminal justice problem by chronicling shifts in social control over the last half century. Competency to stand trial and insanity pleas provide examples of complex court processes where law and behavioral sciences conflict. The cases of sex offenders and juvenile offenders articulate the profound role the courts play in managing social deviants as well as the shift from treating individuals with mental illness as sick or diseased to disordered.

The goal of the book is to attempt to connect behavioral sciences and legal approaches to mentally ill offenders in a thoughtful way, and, on the whole, the book makes several contributions. First, outlining criminal responsibility in historical context articulates, according to the authors, dominant and emerging views of free will, culpability, and societal moral