

BOOK NOTES

LAW, VIOLENCE AND SOVEREIGNTY AMONG WEST BANK PALESTINIANS, BY TOBIAS KELLY. CAMBRIDGE: CAMBRIDGE UNIVERSITY PRESS, 2006. Pp. xi + 199. References, index. USD \$50.00 hardcover.

BY ALYSSA BRIERLEY

The Oslo Accords represented hope and the vision of a new start for a region embattled by violence and uncertainty for the greater part of the twentieth century. However, according to Tobias Kelly, the political and legal separation of Palestinians and Israelis established by the Accords resulted in a complex web of jurisdictional arrangements where rights have been distributed in an uneven and contradictory manner.

In this cross-disciplinary account of labour rights among West Bank Palestinians, Kelly breathes life into the complex legal and regulatory arrangements that structure the experiences of working class individuals in a region where the existence of many are defined by juridical exception and exclusion. To provide context, Kelly provides a historical analysis of the macro-level political and legal structures that have developed between the Israeli state and the Palestinian territories, in addition to the relationships between these state apparatuses and the people over whom they exercise authority. Through providing concrete examples of the struggles faced by Palestinians who Kelly interviewed in the village of Bayt Hajjar, the reader is able to understand how average people are navigating these complex legal arrangements by exploiting the spaces that exist between competing jurisdictions.

The result of these overlapping legal arrangements is a confusing and sometimes contradictory web of state regulation, where legal status is conferred on individuals as bodies, rather than as members of territorial entities. Moreover, these identities conferred by legal status are often complicated by the fact that any individual may have multiple identities at any given time. Therefore, Kelly demonstrates how some West Bank Palestinians are able to access the Israeli justice system, while others exist in an area of exclusion and are presided over by a hybrid of Palestinian courts, Israeli military law and, at times, the authority of the local municipality or governor. He also

highlights the importance accorded to litigation by many Palestinians he interviewed, particularly in the face of decreasing economic opportunities following the second intifada. In this context, litigation commenced in order to access rights provided by Israeli labour law often represents one of the only ways for Palestinians to provide for their families. However, given the complex jurisdictional arrangements, opportunities for litigation under Israeli courts are not available to all, or even the majority, of West Bank Palestinians.

Interestingly, despite the inability of many Palestinians to access the Israeli judicial system for various reasons, Kelly emphasizes that Palestinians still identify the law as an institution capable of assisting them to obtain recognition of their legal rights as workers. Kelly concludes that, despite the promise of the Oslo Accords, the uncertainty and anxiety produced by the resulting contradictory legal order has made the conditions possible for continued violence in the region.

RAISING THE BAR: THE EMERGING LEGAL PROFESSION IN EAST ASIA, EDITED BY WILLIAM P. ALFORD. CAMBRIDGE: HARVARD UNIVERSITY PRESS, 2007. Pp. 436. Index. USD \$19.95 paper.

BY ZOHAR LEVY

In this collection of essays, the authors consider the changing face of the legal profession in East Asia. The book is arranged geographically, with a series of essays preceded by a thought-provoking introduction by William P. Alford. Alford identifies some general trends in the region, including an increase in the number of lawyers, and a shift in the work they do as they venture beyond traditional litigation into broader areas such as business planning and government lobbying.

The question of legal education is the focus of the first essay on Korea, by Sang-Hyun Song, who provides an overview of the education system and current efforts to reform it. Education is raised again in the subsequent essay by JaeWon Kim, which provides a broader perspective on the role of law in Korean society, and describes the historical and contemporary activities of human rights lawyers in that country. Finally, Yves Dezalay and Bryant Garth provide a preliminary survey of lawyers' perceptions of themselves in Korea.

Unlike Korea, Japan has already begun to implement reforms to its legal education system, the history and details of which are discussed by Setsuo Miyazawa. Ryo Hamano then depicts the future for these new lawyers, as he considers the context for and the development of corporate law firms in Japan. In a similar vein, Toshimitsu Kitagawa and Luke Nottage seek to provide a snapshot of Japanese corporate law departments and their development.

Next, Alford contributes to his collection of essays, material pertaining to the evolution of the legal profession in the People's Republic of China over the past twenty years and criticizing misconceptions (held primarily by American scholars) regarding this development. In the same section, Benjamin Liebman takes the opportunity to raise some novel questions about the availability, effectiveness, and relevance of legal aid in China.

Furthermore, Jane Kaufman Winn considers how the increased number of lawyers in Taiwan will affect that particular society, while in the final essay, Daniel Lev considers the relationship between lawyers and political authority in Malaysia and Indonesia.

POVERTY: RIGHTS, SOCIAL CITIZENSHIP AND LEGAL ACTIVISM, EDITED BY MAGOT YOUNG, SUSAN B. BOYD, GWEN BRODSKY & SHELAGH DAY. VANCOUVER: UBC PRESS, 2007. Pp. 389. CDN \$85.00 hardcover.

BY MAIJA MARTIN

Poverty is dedicated to Louise Gosselin, who brought the first poverty law case under the *Charter*¹ to the Supreme Court of Canada. The case challenged Quebec legislation that provided insufficient social assistance for people under thirty. The *Gosselin*² decision represented a disappointment for anti-poverty activists seeking to use the *Charter* to protect economic and social rights. It was against this backdrop of narrow *Charter* interpretation and the growth of poverty in Canada that a Colloquium on Social and Economic Rights was held in Vancouver in 2003, generating the works included in this volume.

The articles are divided into five sections, with the authors debating the challenges of litigating poverty issues. The first section, "Reading *Gosselin*," opens with an essay by Martha Jackman arguing that the rejection of contextual evidence is fatal to *Charter* welfare cases such as *Gosselin*. The next section, "Social Citizenship and the State," includes an essay by Janet E. Mosher examining the second-class citizenship status of welfare recipients and the ways in which their exclusion can be dismantled. The third section, "Social Citizenship and International Contexts," includes an article pertaining to the litigation of socio-economic rights in South Africa by Karrisha Pillay. In the fourth section, "Legal Theory After *Gosselin*," Denise G. Réaume argues that section 15 should be interpreted as enhancing human dignity, and not just as protecting individuals from prejudice or stereotype. In the final section, "Legal Activism Revisited," Margot Young rethinks legal activism and *Charter* scepticism, looking at the shift from substantive to formal equality in the late twentieth century. The collection concludes with an essay by Shelagh Day in which she argues that the *Charter* must be read as protecting an adequate standard of living, reinforced by Canada's treaty obligations relating to international human rights.

¹ *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*, 1982, c. 11.

² *Gosselin v. Quebec (Attorney General)*, [2002] 4 S.C.R. 429.

LEX POPULI: THE JURISPRUDENCE OF POPULAR CULTURE, BY WILLIAM P. MACNEIL. STANFORD: STANFORD UNIVERSITY PRESS, 2007. Pp. xiv + 241. Notes, references, and index. USD \$45.00 cloth.³

BY ROBIN SENZILET

In *Lex Populi*, William MacNeil explores the connection between jurisprudence and a variety of popular culture references such as the Harry Potter and Lord of the Rings books, as well as films such as *Legally Blonde* and *Minority Report*. MacNeil refers to these as examples of “lex populi,”⁴ meaning “people’s law”⁵ He argues that popular culture uniquely contributes to the discourse regarding jurisprudence because, unlike traditional legal texts, these works appeal to a broader audience—thereby resulting in a much larger reach.

In each chapter MacNeil considers a major legal issue and the relevant popular culture references. For example, one chapter discusses the concepts of justice and the rule of law through a thoughtful examination of the battle between good and evil in Harry Potter’s magical world, as well as discussing the notion of equal rights by using the plight of the servant house elves as an example. Another chapter examines legal feminism through a discussion of the films *The Paper Chase* and *Legally Blonde*. These films, both of which are set during the protagonists’ first year at Harvard Law School, show the contrast between legal education in the early 1970s, as exemplified in *The Paper Chase*, and legal education at the turn of the millennium, as exemplified in *Legally Blonde*. While there are certain commonalities (for example, the use of the Socratic teaching method) there are also distinct differences, perhaps most notably the dramatic increase in the presence and acceptance of female law students. A third chapter addresses the “right to life”⁶ and the ethical issues surrounding assisted suicide through a discussion of films such as *Million Dollar Baby*.

MacNeil concludes that because these works of popular culture reach the “masses”⁷ they may serve as a vehicle to stimulate public debate on vital issues such as justice, human rights, and ethical concerns.

³ [*Lex Populi*]

⁴ *Ibid.* at 1.

⁵ *Ibid.*

⁶ *Ibid.* at 134.

⁷ *Ibid.* at 157.