Book Notices

The Emperor of Ocean Park. By Stephen L. Carter. *New York: Alfred A. Knopf*, 2002. Pp. 657. $26.95.

In his first foray into the realm of fiction, Yale law professor Stephen Carter relates the story of Talcott Garland, an Ivy League law professor thrust into a dangerous underworld of intrigue and corruption by the mysterious death of his father, a former federal judge. Talcott receives a cryptic final letter from the judge, imparting to his son the responsibility of caring for his "arrangements." To divine the meaning of this message, Talcott must navigate a landscape peopled by a cast of enigmatic figures—federal agents, Washington lawyers, law professors—none of whom can be trusted fully. Carter weaves an intricate legal thriller that keeps the reader eagerly turning the page.

While Carter lays a masterly foundation over the first 500 pages, the climax is somewhat unconvincing and apt to leave the reader dissatisfied. Moreover, Carter's attempt to inject social commentary into the interstices of what is otherwise an engaging piece of storytelling would have benefited from a more subtle tack. Talcott, a member of an elite African-American family, evaluates nearly everyone he meets in explicitly racial terms, and the references to the "darker nation" and "paler nation" grow tiresome. A more delicate interweaving of plot and commentary would have enabled Carter to better showcase his evident narrative skill. Nonetheless, *The Emperor of Ocean Park* remains an impressive debut.

—*A.C.T.*

The Case Against Lawyers. By Catherine Crier. *New York: Broadway Books*, 2002. Pp. 225. $23.95.

A former assistant district attorney, private attorney, and judge, Catherine Crier is well qualified to critique the administration of justice. In

The Case Against Lawyers, Crier focuses on the court system and legislation. She finds court dockets clogged with frivolous cases and court decisions marred by absurd results. Crier opines that assumption of risk and contributory negligence should be restored and used liberally by judges, while joint and several liability and contingency fees should be proscribed. These changes, she says, would limit plaintiffs' ability to bring nonmeritorious claims and to make huge recoveries of punitive damages. Similarly, Crier contends that legislation is based more on political than social value, and calls for a radical overhaul. She suggests revoking any laws in existence that do not achieve their intended goals or that have negative unintended consequences.

In an era where suit has been filed against McDonald's for thickening the plaintiff's waistline, perhaps Crier's plea for the return of "personal responsibility" and common sense is rather appropriate. But, the main weakness of Crier's work lies in her legislative discussion, which lacks the specificity and clarity of her views regarding the courts and instead devolves into a general invective against lawyers, government, unions, and teachers, among others. Still, Crier's book is generally a timely and passionate look into our legal system.

—*M.E.C.*

The Juridical Unconscious: Trials and Traumas in the Twentieth Century. By Shoshana Felman. *Cambridge: Harvard University Press*, 2002. Pp. 166. $45.00 (cloth), $19.95 (paper).

The theorization of *trauma*—a medical term that found figurative life in a century of mass destruction and persistent persecution—has proven a powerful explanatory tool across a range of disciplines. In her latest offering, literary theorist Shoshana Felman probes the unarticulated, and often hidden, links between trauma and the law.

Society increasingly relies on the conceptual and practical tools of the law—especially trials—to respond to individual and collective traumas. The trial's response is to articulate, and thereby contain, trauma. Yet a trial's premium on conscious recollection confronts, in trauma, a phenomenon that is either unavailable to consciousness or to which consciousness is purposely blind. The result is a missed encounter that both repeats the original trauma and creates a new, legal one. The repetition reenacts the trauma's inaccessibility, thereby confounding legal closure and triggering a compulsive repetition of past traumatic cases. As Felman

demonstrates, this unacknowledged interaction accounts for the historical and philosophical resonance of noted "landmark trials."

The Juridical Unconscious both illuminates and obscures trauma in the law. To the extent that traumatic experiences resist assimilation to consciousness, they likewise resist complete theoretical—a fortiori, legal—description. Felman contemplates this difficulty, but contends it need not preclude her project. It is not the articulation of trauma, but rather our conception of the limits and possibilities of the law, which must be reassessed.

—*J.A.R.*

The Rehnquist Court: Judicial Activism on the Right. Edited by Herman Schwartz. *New York: Hill and Wang*, 2002. Pp. 276. $25.00.

With rumors that the Chief Justice's tenure may soon be coming to an end, *The Rehnquist Court: Judicial Activism on the Right* is well timed as one of the most comprehensive surveys of the shifts the Rehnquist Court has occasioned in America's constitutional and statutory jurisprudence. Included in the collection are fifteen essays on topics ranging from the "Rehnquist Revolution in Criminal Procedure" to "The 'Miserly' Approach to Disability Rights," along with a foreword by Tom Wicker and a detailed introduction by the editor that admirably places the collection in its historical and political context. The common thread through the contributions is the extent to which the Rehnquist Court has been marked by conservative activism. Nowhere is this criticism more visible—and more scathing—than in Stephen Bright's contribution on the Court's death penalty jurisprudence, arguably the volume's centerpiece, which focuses on the contention that the Court has made it far more difficult for innocent defendants to contest their death sentences after conviction, even when significant evidence exists to challenge the original verdict. Yet Bright's essay is not alone in either its tone or its conclusion, for the entire collection highlights the extent to which the Rehnquist Court has occasioned a dramatic conservative radicalization of *much* of American law, including forceful—and often pernicious—shifts that, in many fields, have received little or no attention.

—*S.I.V.*