

Contents

<i>About the Contributors</i>	<i>page vii</i>
<b>Introduction: Past as Prologue</b>	<b>1</b>
Hadar Aviram, Rosann Greenspan, and Jonathan Simon	
<b>PART I THE PROCESS IS THE PUNISHMENT</b>	<b>17</b>
<b>1 Adversarial Bias and the Criminal Process: Infusing the Organizational Perspective on Criminal Courts with Insights from Behavioral Science</b>	<b>19</b>
Hadar Aviram	
<b>2 Malcolm Feeley’s Concept of Law</b>	<b>36</b>
Issa Kohler-Hausmann	
<b>3 Process as Intergenerational Punishment</b>	<b>55</b>
Kay L. Levine and Volkan Topalli	
<b>4 The Process Is the Problem</b>	<b>72</b>
Shauhin Talesh	
<b>PART II COURT REFORM ON TRIAL</b>	<b>95</b>
<b>5 Regulating E-Cigarettes: Why Policies Diverge</b>	<b>97</b>
Eric A. Feldman	
<b>6 Japanese Court Reform on Trial</b>	<b>122</b>
David T. Johnson and Setsuo Miyazawa	
<b>7 Court Reform and Comparative Criminal Justice</b>	<b>139</b>
David Nelken	

vi	<i>Contents</i>	
8	<b>The Birth of the Penal Organization: Why Prisons Were Born to Fail</b> Ashley T. Rubin	152
9	<b>The Misbegotten: Infanticide in Victorian England</b> Lawrence M. Friedman	172
	<b>PART III JUDICIAL POLICYMAKING AND THE MODERN STATE</b>	191
10	<b>Judicial Deference in the Modern State</b> Lauren B. Edelman	193
11	<b>The Law of the Workplace</b> Paul Frymer	215
12	<b>Administrative “States” of Judicial Policy on Gender-Motivated Violence</b> Christine B. Harrington	230
13	<b>Can Courts Abolish Mass Incarceration?</b> Jonathan Simon	259
14	<b>Policy Making by Out-of-Court Settlements: Palestinian Informers at the Israeli High Court of Justice</b> Menachem Hofnung	273
	<b>PART IV POLITICAL LIBERALISM AND THE LEGAL COMPLEX</b>	287
15	<b>The International Legal Complex: Wang Yu and the Global Response to Repression of China’s Rights Lawyers</b> Terence C. Halliday	289
16	<b>The Legal Profession’s Promise of Justice: Choices and Challenges in Legal and Sociolegal Work</b> Mark Fathi Massoud	314
17	<b>The Varieties of Judicial Independence and the Judiciary’s Role in Political Reform</b> Edward L. Rubin	335
18	<b>The Legal Complex and Lawyers-in-Chief</b> Kim Lane Scheppele	361
	<i>Index</i>	385