

deeply into the psycho-sexual motivation of their behavior. That Silko had taken the time to read the complete works of Sigmund Freud during the gestation of the novel is evident. Proof of the acuteness of Silko's perception of inner-workings of the male psyche was the heated response of one male reviewer for *USA Today*, for whom her observations seem to have struck too close to home. Silko states she is 'quite proud to have written a novel which so disturbed the Yale professor of political science who reviewed it that he lost control of himself on paper.' According to Silko he said 'she needs psychiatric help because of her preoccupation with the male organ.' She was happy because 'it would make people read my book.' These comments are indicative of the playfulness and humor that she hopes readers will also recognize in her fiction.

Whether one is interested in researching or criticizing Silko's work, or using it in the classroom, this collection is an invaluable resource. It provides a useful reference for trying to understand not only her novels, but her poetry and short stories as well. Unfortunately, Silko was reluctant to say much about *The Delicacy and Strength of Lace: Letters Between Leslie Marmon Silko and James Wright* (1986). Published by Wright's wife after his death, Silko could not bring herself to read the work, leaving it to her friend Larry McMurtry to peruse the manuscript before publication. Hopefully Silko will continue to give interviews concerning her work, particularly about her writing from *Almanac of the Dead* through *Gardens in the Dunes* and beyond, necessitating that this collection be updated and reissued. This would correct the one minor flaw, that the interviews, being a cumulative collection from throughout her career, naturally focus more on the early part of her career than the latter. It would be gratifying to see her two novels from the 1990s, and in particular the most recent *Garden in the Dunes*, treated in the same depth as *Ceremony*. Silko has most certainly earned a place in the Native American literary canon and should be considered one of the important American authors of the last quarter of the twentieth century. This collection of interviews is a fitting companion to her work.

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Helle Porsdam (ed.), *Folkways and Law Ways: Law in American Studies*. Odense: Odense University Press, 2001. 256 pages; DKK 225 paper (ISBN: 87-7838-583-0).

This is a long overdue contribution to the field of American Studies in Scandinavia. Helle Porsdam should be commended, not only for the present volume, but also for her efforts to establish a tradition of Legal American Studies within both the Nordic and European Associations for American Studies. In recent years there has, no doubt, been some disenchantment among some members of the EAAS with the dominance of literature studies on the conference programs of the association. This has partly been compensated for by the permanent establishment of 'off-year' conferences for historians, in recent years held at the Roosevelt Study Center at Middelburg, the Netherlands. Nonetheless, efforts by the likes of Dr. Porsdam to broaden the program at

the regular EAAS conferences are vital contributions to the future of the association and to the American Studies movement in Europe in general.

Like some other kindred spirits, Helle Porsdam has discovered the value of legal studies as a field of enrichment of American Studies. What is more, however, not being satisfied with dabbling in the field, Dr. Porsdam has also qualified herself for her new task by doing additional studies of law at the Harvard Law School and publishing a valuable book in the field, *Legally Speaking: Contemporary American Culture and the Law* (Amherst: University of Massachusetts Press, 1999). The present volume is particularly important because it spans a wide range of topics, bridging the gap between diverse disciplines (law, literature, history, and the social sciences), thus bringing a potent thematic glue to a field which has shown some disintegrative strains in recent years.

The editor provides an overarching view of the field in her introductory chapter, the most rewarding part of the book, in my view. Thumbing out the outlines of radical approaches such as Critical Legal Studies and Critical Race Theory, on the one hand, and the characteristics of the Law and Economics movement advocated by traditionalists, such as the versatile and very productive judge, law professor, and (polemical) writer Richard A. Posner, on the other, Porsdam offers an impressive range of perspectives. She adroitly points out that whereas legal scholars have a long track record of studying law as a shaping force of American national identity, American Studies scholars – who proudly boast an interdisciplinary tradition – have only approached this field in the last couple of decades. For convenience, she devotes most of the space allotted her to three major areas: law in combination with history, literature, and popular culture, respectively.

As editor Helle Porsdam also provides brief introductions to the various contributions to this volume, which is a product of a workshop under her direction at the 1998 EAAS Biennial Conference at Lisbon. The first four chapters are devoted to law and history. Irmina Wawrzyczek offers a legal analysis of a subject which may be *terra incognita* to many Nordic Americanists: the legal safeguards of sexual discipline in two early tobacco colonies. Her argument – that white plantation owners, law makers, and law enforcement agents used the law to control the sexual activities of indentured servants and slaves – may, however, have a familiar ring to it.

In a very interesting and highly topical account, Saul Cornell draws a connecting line between the debate around the adoption of the Constitution and the revival of Anti-Federalism in contemporary constitutional thought, such as the 1997 'neo-Federalist manifesto' by Alan Brinkley, Nelson Polsby, and Kathleen Sullivan entitled *The New Federalist Papers: Essays in Defense of the Constitution*. He takes issue with much progressive historiography for its tendency to obscure the complexity of Anti-Federalist impulses by emphasizing its radical populist character. Deconstructing what he sees as the 'false dichotomies' of dominant progressive scholarship, Cornell argues that Anti-Federalism was 'a complex movement that drew together members of the

planter elite, commercial-minded democrats, and plebeian farmers in the back-country.' Although his innovation is one of emphasis rather than a radically new interpretation, his analysis brings several novel aspects to the discourse, which is a hot political issue in the 21<sup>st</sup> century United States.

In 'Hunting Where the Ducks Are,' Niels Bjerre-Poulsen offers an equally interesting and relevant analysis of the recent American political scene, subtitled 'Conservative Opposition to Civil Rights Legislation in 1964 and Beyond.' It goes without saying that this is a tall order, and Poulsen may have bitten into a larger chunk than he can possibly chew within the space allotted him. All the same, he presents a lucid synthesis of the major drift of partisan racial politics since the Civil Rights Era, zeroing in on the role of Barry Goldwater as the father of the modern conservative movement on the national scene as well as conservative views on the role and use of the judiciary, especially the US Supreme Court, in this on-going conservative revolution. His analysis would no doubt have profited from a limitation to one of the two issues, since by necessity neither aspect receives the attention it deserves. Negatives aside, Poulsen is able to put the major strains in the conservative movement – pertaining to civil rights – into a clear perspective, in particular clarifying some of the paradoxical positions held by conservative groups regarding the appropriate function of the federal judiciary as well as constitutional interpretation.

Under the heading 'Protection under United States Law' – amply subtitled – Mark P. Gibney addresses one central aspect of American exceptionalism, the popular 'cliche' (his term) that Americans live under the rule of law. Focusing on the balance between the prohibitions of the law and the protections afforded under the law, his essay investigates the confusing intersection of citizenship and nationality in a legal context. The first part of his analysis addresses the ways the US legal system treats 'aliens' within American borders, whereas the second deals with the treatment by US law of American citizens living abroad. Gibney reveals some disconcerting facts about American law enforcement abroad, his bottom line being: Whereas the prohibitions of the law extend beyond American borders, the protections of the law stay at home. In short, because foreign policy concerns (national interests) take the upper hand, American law is extended into the territory of sovereign foreign states, whereas the protections of Americans under the US Constitution are not, certainly not for aliens and only on a minor scale for American citizens, if national interests are involved. On the other hand, on the American domestic scene, there is a 'we' and 'them' polarity, putting foreigners at a disadvantage, a point also amply illustrated by the current controversy over Afghan prisoners (-of-war?) held by Americans.

Marcus C. Bruce maps the legalistic and ideological development of one scholar who is often considered the founder of Critical Race Theory, Derrick Bell of Harvard Law School, from the late 1980s to the present. Emphasizing his departure from his early line of legal critique, Bruce explores Bell's forays into religious territory in his recent and less well-known books, *Gospel Choirs* (1996) and *Afrolantica* (1998), in which, according to Bruce, Bell joins the American tradition of jeremiads from John Win-

throp to Martin Luther King, Jr. The writer makes a positive assessment of the potential of this very American tradition – in sooth a part of the legacy of American exceptionalism – as a constructive additive to the legal debate addressing such ideals as equal opportunity, fairness, and social justice. Contrary to conservative critics – who consider any variety of CRT as an undermining of American values (often offering the O.J. Simpson trial as a case in point) – Bruce sees Bell, in the tradition of Herbert Croly's progressive vision of 'the promise of American life,' as an affirmation of truly American principles.

Both Bo G. Ekelund and Ernst Peter Schneck use William Gaddis, *A Frolic of his Own* (1994) as an object for analysis, the latter adding Alan M. Dershowitz, *The Advocate's Devil* (1994) as a means of comparison. Ekelund argues that Gaddis's novel can be read as 'an astute analysis of a cultural moment when law, art and politics are all affected by the forces of spectacle,' as a species of 'cognitive mapping' of the relationship between law and literature in 'a society dominated by spectacle.' In short, he sees Gaddis's work as one which reflects vital American values, helping to describe some of the less attractive dilemmas of modernity in a national value and identity context.

Similarly, Peter Schneck perceives the works of his two writers as representing a certain commonality, 'the meditation and mediation of a common (cultural) sense of justice.' In his analysis, Schneck draws on the insights of David Mellinkoff's *The Language of the Law* (1963) for the historical development of the rhetorics of legalese. Both Gaddis and Dershowitz seem to share a deep concern for the erosion of the power of the word because of its constant exposure to a medium of commercialized images represented by television, which threatens to transform both the legal and literary discourses into mere travesties. In Schneck's view, Dershowitz seems more optimistic as to the prospects of the inherent power of the word to resist this fatal erosion.

In an insightful essay, bolstered by a magisterial battery of cinematic imagery, Christophe Den Tandt discusses the place of courtroom films in cinematic history as well as their role as icons of American culture. Pointing to political didacticism as one of the film medium's special qualities, Den Tandt argues: '[I]f we bracket off the epistemologically naive presuppositions of the films' realistic aesthetic, it is possible to tease out of these canonical Hollywood texts a valid reflection of the possibilities for political debate within a postmodern mass medium.' In other words, he considers the courtroom film genre 'an apt political medium in so far as it shows how civic negotiations are handled in a society aware of the power effects of its own ideological idioms.' In a socio-political context, then, he argues that the genre has been used to reconcile the tension in the traditional liberal political agenda that Max Lerner, among others, has pointed to between pragmatic thought and optimistic idealism, thus reinforcing the American liberal consensus tradition.

Eric R. Guthey makes a powerful pitch for the study of corporate law as part of the

American Studies agenda proper. Pointing to the enormous spread of corporate mergers at century's end – and their tremendous impact in most walks of American life – he argues for the inclusion of corporate legal theory, informed by the theoretical concerns of cultural materialism, at the vital center of American Studies programs, seeing the unwillingness, or incapability, of Americanists to do so as a sort of cop-out. Guthey claims that a dramatic change in the justification of the legitimacy of the business corporation has taken place over the last thirty years, replacing the 'real entity' concept of the corporation – as a natural person before the law, dominant since the late 19<sup>th</sup> century – with a new theory of the corporation as a nexus of contracts, argued by Michael Jensen and William Meckling, among others. Guthey offers media mogul Ted Turner as the symbol of the new corporate leader, 'a figure of raw male energy and entrepreneurial aggression.' In conclusion, Guthey admonishes American Studies scholars to look to law and business journals for inspiration in their efforts to attune themselves better to the basic tenors of American life, quoting Thomas Streeter's description of law as 'a lived set of social relations.'

In the final chapter, Michael Böss adds an international comparative perspective to the book by analyzing the impact of American constitutional law on the legal reforms of Ireland, 1937-1997, using Mary Robinson – a catalyst of this development – as a central case in point. Böss shows the influence of American constitutionalism on the Irish Constitution of 1937, but equally significantly, the impact of the role of the US Supreme Court of the Warren era on the subsequent development of the Irish judicial system, both as a modern judiciary and as part of a changing political system. He also demonstrates that this trend is not limited to the Emerald Isle but has had similar ramifications in several European countries in the postwar years.

I have allotted so much space to the various contributions to this anthology in order to demonstrate the broad sweep of this book of essays. I think Porsdam and her fellow scholars at the Lisbon EAAS Conference have succeeded in illustrating the value of law as a viable additive to many fields within traditional American Studies. And I venture the conclusion that, as a volume of 'conference papers,' the result is an unusually coherent attempt, aptly bridging the traditional gaps between the fields of law, history, and other social sciences, on one hand, and the arenas of literature and film studies, on the other. Although the work has its share of blemishes (such as some heavyhanded verbosity in some passages), its merits far outweigh whatever flaws are found in the balance.

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Ole Moen, *Race, Color, and Partial Blindness: Affirmative Action under the Law*. Oslo: Solum Forlag, 2001. 303 pages; NOK320 \$32, paper (ISBN: 9-788256-013234).

In a recent article in the *National Black Law Journal*, law professor Kimberle Cren-