of dying as one among many aspects of public health" (p. 76). Two processes were woven together: first, dying became a medical problem and euthanasia its solution; second, administrative law produced a "medicolegal regime"; thus the state became the regulator of public health. This process captured the transition of dying from an art to a technique (p.77).

Chapter 5 deploys the concepts to explain the problem case of "legal dosing," a technique proposed in 1936 by a British doctor, Lord Dawson, who argued that terminally ill patients should receive sufficient medication to alleviate pain. In the United States, legal dosing became the taken-for-granted way for doctors, and others, to allow death at the end of life. When challenged, the Supreme Court wrote that "There is no dispute that dying patients . . . can obtain palliative care, even when doing so would hasten their death" (p. 127). The growth of lethal dosing and the hospice movement signaled a broad acceptance of dying as "technique." Given all the contestation around other forms of euthanasia, including the aftermath of the Nazi period, the degree to which "legal dosing" became part of the venue of the deathbed was truly remarkable; thus legal dosing demonstrates, for Lavi, the supremacy of "technique" over "art."

In his epilogue, Lavi argues that the "autonomous" patient who "controls" his or her death is in fact bounded and constructed by the medical context. Thus the individual's autonomy is subordinated to that context—and the law plays a role in that subordination. What his scholarship does is make the circumstances, participants, historical trajectory, and resulting conditions visible. Along with the other members of the prize committee, I urge you to read the book—you will not be disappointed. As a model of concerned and rigorous scholarship, Lavi's book is exemplary.

* * *

Locked Out: Felon Disenfranchisement and American Democracy. By Jeff Manza and Christopher Uggen. New York: Oxford University Press, 2006. Pp. 384. $29.95 cloth.

Reviewed by Judith Randle, University of California, Berkeley

Add mass disenfranchisement of felons to the list of penal outcomes that distinguishes contemporary U.S. penality from other developed nations. Within this context of American penal severity, and especially the growing literature on "collateral" or "invisible" consequences of contemporary penal policy, *Locked Out: Felon Disenfranchisement and American Democracy* examines the practice of excluding persons from the polls on the basis of a felony

https://doi.org/10.1111/j.1540-5893.2007.00309.x Published online by Cambridge University Press

conviction—a practice that other developed nations have shed, much like capital punishment. What rationales justify felon disenfranchisement? Who is disenfranchised, and with what measurable effects? How and how much does race matter? Overall, the book supplies rich empirical assessments of the scope and impact of felon disenfranchisement that ultimately challenge the normative bases upon which the United States continues the practice.

The book begins by problematizing disenfranchisement within a modern democratic polity. Customary rationales premised on the inability of felons to vote "responsibly," for example, stressing the general unfitness of criminal minds or the potential power of felon voting blocs (such as the fear that felons will vote for excessively lenient penal policies), do not survive the basic principle that *how* one votes never provides a legitimate basis for determining *whether* one may vote. In a particularly interesting section on re-enfranchisement opportunities, the authors lament a troubling example of "fitness" tests found in the reliance upon, in some re-enfranchisement proceedings, evidence of improved character, such as sobriety, anger management, or job stability—qualities never required of the general population. Even more troubling is that some proceedings require payment of outstanding legal debts before restoration, also not a general requirement and that imposes a kind of poll tax on felons.

Nor does disenfranchisement seem to achieve any standard penal objectives. It certainly fails to rehabilitate or incapacitate, and its blanket application likely conflicts with demands for graduated sanctions by deterrence and retribution. Later, in Chapter Five, the authors test the hypothesis that voting may actually *reduce* recidivism by fostering community and civic ties (the civic re-integration hypothesis). While the authors identify a basic correlation between voting and criminal behavior (first-time and re-offending), voting falls below statistical significance when they control for demographic factors.

The authors turn to history and race in Chapters Two through Four, assuming the related tasks tracing race to the passage of early disenfranchisement laws and estimating the size and makeup of the currently disenfranchised population. While disenfranchisement laws typically accompanied statehood outside of the South, functioning as property requirements to exclude undesirable whites, it only overtook the former slave states immediately after the Civil War. Still, African Americans are currently disenfranchised at shockingly high rates throughout the country. The authors conservatively estimate the current disenfranchised population at 5.3 million in 2004, or 2.7 percent of the voting-eligible population, 2 million of whom are African Americans. Despite scaling back

https://doi.org/10.1111/j.1540-5893.2007.00309.x Published online by Cambridge University Press

state laws since the 1950s to permit re-enfranchisement, African American disenfranchisement rates exceed 10 percent in 14 states and 20 percent in five states (pp. 251–2).

So does America's sordid history of race relations explain its exceptionalism? The authors' ability to answer this question is limited insofar as their analysis relies solely on events internal to the United States. They neglect to tell us when other countries began to abandon felon disenfranchisement—at what point America became exceptional—and placing the United States within an international historical context may have shed more light on U.S. disenfranchisement.

Chapters 5 through 8 challenge the argument that disenfranchisement is inconsequential because criminals are unlikely to vote anyway, because they are uninterested in politics, or because they are drawn from demographic populations with low turnout rates. Chapters 5 and 6 use survey and interview data to compose a sort of political consciousness study of felons, finding no evidence that felons are especially uninterested in politics and, moreover, that felons express frustration with civil death for a variety of reasons: it adds salt to their wounds, it enhances and prolongs the outcast status, and it prevents them from participating in decisions that directly affect them and their families. Chapters 7 and 8 are impressive attempts to predict the impact that disenfranchisement has on election results by estimating the population's likely voter turnout and party preference. Based on the population's demographic characteristics, the authors estimate that on average about one-third of the disenfranchised would have voted in presidential elections and a quarter in midterm elections between 1972 and 2000 (35 and 24 percent, respectively, compared with the voting population at 52 and 38 percent), and that they would have consistently had higher-than-average preferences for Democratic candidates. The authors conclude that Al Gore would have captured Florida in the 2000 presidential election, and that had they been in place, current disenfranchisement rates would have narrowed slim Democratic victories in 1960 and 1976 even further. A handful of Senate and gubernatorial elections would have been similarly affected.

Before calling for policy change in the final chapter, Chapter Nine debunks a lingering justification for disenfranchisement: that the public supports disenfranchisement. In fact, the survey data revealed wide support for the vote on several measures, with the sole exception of current prisoners (32 percent). Support dropped when respondents were read specific crimes, but even sex offenders managed a bare majority of support (52 percent). Further, respondents supported measures of general civil liberties—free speech rights—equally as between felons and nonfelons,

https://doi.org/10.1111/j.1540-5893.2007.00309.x Published online by Cambridge University Press

even when that speech favored drug legalization or criticized imprisonment.

Comprehensive, empirically rich, and impressively argued, this book will serve as a foundation for future treatments of the topic.

* * *

Cause Lawyers and Social Movements. By Austin Sarat and Stuart A. Scheingold. Stanford, CA: Stanford University Press, 2006. Pp. x+341. $29.95 paper.

Reviewed by Debra Schleef, University of Mary Washington

This collection is the fourth edited volume on cause lawyering that Sarat and Scheingold have co-produced. Given that these authors have virtually cornered the market on this topic, the challenge of this review is to consider whether this volume is distinctive enough to recommend it to both those who are and those who are not familiar with this literature.

The authors have succeeded in providing a distinctive book that will appeal to a broad audience. First, the authors seek to "move from an analysis of *causes* to a concern with *social movements*" (p. 1; emphasis added). This may seem like a subtle distinction, but it allows each author to address the larger contextual and structural constraints imposed on activist lawyers. For example, one of the most valuable essays is the second one in the volume, an account by McCann and Dudas that provides an historical and theoretical background on social movements for the pieces in the volume. Peppered with fascinating and diverse examples, it could serve as an introduction to the topic in a number of venues.

Second, the authors wish to "turn attention from the way cause lawyering articulates with the project of the organized legal profession to the explicitly political work of cause lawyers" (p. 2) in order to show what lawyers do to and for social movements. The editors' introduction indicates that the book examines under what circumstances cause lawyers in social movements move from an elitist, professional ideology privileging litigation, to a political, activist, or grassroots one that challenges traditional definitions of professionalism. A final, though less fleshed–out task, is to discuss how the methods of left and right cause lawyers converge in tactics, if not in content. Section 1 examines the life cycles of social movements and of the roles of the lawyers who inhabit them. In Section 2, the chapters focus on the professional identities of cause lawyers. Section 3 contains three scenarios in which lawyers move beyond traditional litigation to embrace other roles in social movements (e.g., writing legislation, community mobilization, and even participating in movements as nonlawyers).

https://doi.org/10.1111/j.1540-5893.2007.00309.x Published online by Cambridge University Press