at one or other aspect of court rituals—language, gesture, architecture, or costume. Garapon considers them all; he leads us on a systematic tour through all the sites of judicial practice, symbolism, and ritual. We peer inside the sacred space of the temple of justice, perfect and complete, which stands "in counterpoint to the chaos of the profane world" (p. 43). We experience judicial time as something that interrupts everyday rhythms of life (p. 52). We watch the judge dressing his "double body": his personal body and the invisible social body he represents (p. 83). We hear the intonation of carefully chosen phrases.

Anglo-American criminology prefers to qualify the word *ritual* with such adjectives as "meaningless," "empty," or "archaic." When rituals serve a purpose, that purpose usually is considered negative. We talk about courts' using rituals to revictimize witnesses, nullify juries, or carry out degradation ceremonies. This distaste for symbolism and ritual, says Garapon, is not just a secular bias that goes with the English language; it is characteristic of "democracy" (p. 321). The need to develop new symbolism is matched by an unwillingness to do so.

Bien juger, it must be said, represents a project rather than an analysis, an essay rather than an empirical study. It would be fascinating to discover whether formalized, rule-governed forms of judicial practice really did produce fewer miscarriages of justice than more personalized or informal ones. Would the verdicts have been different in the Birmingham Six or O.J. Simpson trials had more attention been paid to ritual? It could equally well be argued that such trials displayed a surplus of theatricality rather than a shortage. Or are only official rituals to be considered legitimate performances? We might also wonder whether demand for punitive sanctions in the United States would decline if the judiciary developed more stylized rituals and wore more impressive costumes. It seems unlikely.

Yet there is something unsatisfactory about much of the English-language literature on courts that reduces court processes to "discourses," focuses narrowly on judicial decisions, and preoccupies itself with scrutinizing judicial appointments. What about looking at judicial behavior as a whole, as performance, as the exercise of state power? The apparent madness of contemporary penal policies demands greater attention to the symbolic dimensions of punishment and judicial practice. Garland has provided such a study of penality. Garapon lays out a systematic theoretical framework for an equally thorough study of judicial practice.

Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order, by **Yves Dezalay** and **Bryant G. Garth.** Chicago: University of Chicago Press, 1996. 353 pp. $35.00 cloth. ISBN: 0-226-14422-4.

HEINZ KLUG
School of Law
University of Wisconsin, Madison
Klug@facstaff.wisc.edu

We have become accustomed to discussions of globalization being beset with controversy over the exact nature and parameters of the phenomenon. Studies have emphasized the massive scope and effects of specific aspects of globalization including, for example, the vast financial movements and diverse production processes that now dominate international economic life. In contrast, Dezalay and Garth offer an empirically rich and historically grounded analysis of a particular global arena and practice—international commercial arbitration—as a means to reflect on the precise nature and historically specific emergence of global phenomena. The focus, however, remains on the construction of this particular transnational practice. The book details how participants have competed, through the deployment of different resources, both to gain a share of this particular market and to secure their place in it, by claiming the autonomy and neutrality associated with the universal claims of law and by acting as intermediaries between different sites of social power.

Dezalay and Garth deploy Bourdieu's concept of "field" to build a sophisticated understanding of their subject, layering different levels of analytical abstraction and in-depth empirical and qualitative data. Describing the inner workings of international commercial arbitration through the collation of data, including an impressive number of

interviews with participants in the these processes, they provide a window into the factors, both historical and resource-based, that are deployed in the strategies that establish this transnational field. Their methodology allows the authors to present the development of the "field" as both the result of the competition and continuing tension between "law" and "business" and as the product of the deployment of the symbolic value of public justice, through private procedures, to bolster the field's coherence.

While the authors portray "business" or economic power and "law" or symbolic power as two alternative sources of authority for the resolution of these conflicts, they also demonstrate the mutual dependence of "business" and "law" in transnational space. The study effectively explains the construction of a particular arena of transnational legal interaction over the course of the twentieth century, including the reasons why Paris emerged as the dominant site of international commercial arbitration. Paris emerged as the dominant center through several competing factors. The outcome derived as much from the fate of competing systems of state and private justice in alternative jurisdictions—such as the United Kingdom and Sweden—as from circumstances particular to Paris. The paradox of success in Paris, however, is the domination of the practice by competing Anglo-American law firms, creating the specific form of off-shore justice this new transnational legal order represents.

Moving easily from the global to the individual, the book reveals the important role of individuals—predominantly legal scholars, judges, and senior lawyers—who have accumulated significant degrees of social capital, in constructing this new "field" of law. However, the role of these "notables" is less one of individual initiative and coordination than a reflection of the profession's structure and the particular hierarchical mobility characteristic of this field. The importance of this individual capital to the emergence and promotion of the "field" is thus tied to the underlying differences between legal forms inherent in the civil law/common law distinction and the roles assigned in these systems particularly to legal notables and scholars.

Most impressive is the sheer scope of this book in treating completely different contexts—from Egypt to Hong Kong. Here, the construction of the locally situated "field" of international commercial arbitration is embedded in the particular colonial and postcolonial relationships of knowledge and social power, including the different roles assumed by the legal profession in these different contexts. By presenting locally situated interactions or competition over the construction of the "field," the authors provide a rich account of globalization—of how an international "field" is the product of different local conditions and, conversely, how the international further shapes local interactions between business and law. They also explore the relation to the specific content of local laws that affect arbitration—local and international. While this book is a fine example of sociolegal studies, it also demonstrates the power of a rich empirical approach to the broader question of globalization as a historically constructed and embedded phenomenon.

Ironically, although Dezalay and Garth stress the novelty of the construction of this "private" transnational practice in the twentieth century, their perspective could prompt a rethinking of historic links between law and business in the construction of "public" law in transnational space. While no doubt the result of different historical and internal dynamics, the law of the sea in public international law may be traced directly to the efforts of Hugo Grotius, who argued on behalf of the Dutch East India Company for the freedom of the seas and the company's right to the proceeds of captured enemy goods. Instead of relying on the written codes of Roman Law, Grotius produced a new "legal field" that could defend the exercise of state power in the international context, based on natural reason and opposed to the monopoly claims of the Portuguese to trade with the Indies.