



Book Reviews

Jane Spinak, *The End of Family Court: How Abolishing the Court Brings Justice to Children and Families* (NYU Press, 2023).

Jane Spinak is done. Done with reform; done with reports documenting disproportionality and harm; done with best practices and paternalistic judges, done with commissions and task forces (on many of which she has long served), and thoroughly and completely done with what she terms the *great idea* of a socialized court that can assist families. At the near-end of a career marked by extraordinary dedication to the rights of low income families (she retired from teaching but is still speaking and advocating), in *The End of Family Court* Spinak joins organized groups of affected families and calls for abolition of family court.

Spinak gives us all a satisfyingly detailed and clear policy roadmap toward abolition in the context of the three jurisdictional areas of family court on which her book focuses: status offenses (things that only youth are prohibited from doing, such as curfew violations), juvenile delinquency (conduct that would be criminal if done by an adult, such as assault, robbery, or shoplifting), and family policing (or what some still call child welfare).

Spinak explains exactly how to dramatically shrink family court jurisdiction in all three of these areas. She shows us how to separate the crucial insight, enshrined in a series of game-changing Supreme Court decisions, that children are different from adults and should be treated differently when accused of crimes, from the utterly failed and destructive idea that a court that has the power to punish and separate can somehow be a court where families are helped. She does highlight for the significantly more limited cases that she envisions will still be brought—serious crimes allegedly committed by youth between 14 and 21 and a far more narrow set of alleged child abuse cases—the crucial role that lawyers, particularly those providing interdisciplinary holistic defense, must play. She merges this clear jurisdiction-shrinking set of policy proposals with the visions of both community-based, non-carceral supports for struggling families and their broad call for a reorientation toward robust visions of family safety.

For struggling families Spinak turns, with organized communities, to true community based support, highlighting proven programs like Strong Communities/Strong Families and suggesting that schools could be **reimagined** as abandoning their carceral entanglements to be transformed into functional institutions of support. And finally, she highlights the visions of organized communities, such as Rise, upEND, Movement for Family Power, which have advanced concrete visions of what family safety, security, and thriving might entail. At every step along the way, she supplies the research that supports the effectiveness of these recommendations. For these reasons alone, all whose fields touch Spinak's, and all those who care about all families, must read this book.

But Spinak's book is not merely a set of crucial policy prescriptions, nor is it only a clarion call for abolishing the court. It presents a deep history of the constant reinvention of the idea at the heart of family court. And it is this deep history that might provide some of the most important, and most disheartening, lessons for those who might want to move toward some version of her policy prescriptions. This is true in at least two ways. First, Spinak's history provides an astoundingly

detailed and depressing example of the way that subordinating power, once seized, reinvents and reifies itself. Second, and interrelatedly, this history highlights the particularly pernicious role played by the idea—what Spinak terms *the great idea*—that a court with the power to control and punish is a place that could do good.

First, to the “great idea.” Family Court has, since its inception in the Progressive Era, been framed as a court that can do good. This **therapeutic** impulse has, over and over again, been the idea that those in power deployed to save and grow the court. As Spinak explains, despite mountains of reports issued by authoritative scholars and policy analysts, that the court harms poor families and children, and disproportionately so poor Black and Native American families and children. Those who sought, as early as 1914 and repeatedly in modern history (1919, 1925, 1937, 1950, 1967, etc.), to deploy data to call those in power to face the truth that the idea had failed were ignored. Over and over again, the great idea prevailed against the data decisively establishing both failure and harm.

If we are to begin to realize some version of the vision that Spinak sets out, then, a few crucial questions remain. How does this idea continually reinvent itself in the face of clear data establishing failure and harm? And whose interest does the idea serve? The answers to the first question lie in the way that this seemingly benevolent idea functions to misdirect and obscure what is really happening. As Spinak shows, and as I have argued in a similar context,¹ the great idea functions as a particularly effective smokescreen. It sounds, to paternalistic ears, so incredibly compelling—surely *we*, those in power, can and surely must help *those families*—that it can and has been deployed, again and again, to divert attention from reality.

But this book, and its history, is not about just about an idea. It is about power. The judges, and all who draw a paycheck from the system as it operates, benefit. As Daniel Hatcher’s *Injustice Inc.* establishes in impressive detail, this is a system of purported benevolence that generates significant private and public financial gains. It is those actors so benefited who, again and again in Spinak’s telling, gain from the expansion of the power and reach of the court.

So what specifically marks the contemporary moment in the calls for family court abolition which Spinak’s deep history so compellingly justifies? As Spinak herself proves, the “experts” (a group to which she readily admits she belongs) have been calling for radical non-intervention and true community-based support since the early twentieth century. Perhaps what is different now then is power. Affected communities on the ground are not only articulating problems and solutions, but they are also seizing the narrative and organizing to build political power. Their initiative and commitment may be now creating a powerful enough counterweight to demystify the great idea, take down the court, and build, finally, the safety and support all families actually need.

¹ Bach, Wendy A. 2022. *Prosecuting Poverty, Criminalizing Care*. Cambridge University Press.

Spinak's book is a disheartening read. Fully exploring and explicating this history makes the task ahead seem almost impossibly daunting. But maybe, just maybe, if power shifts, so will the idea and so will the court.

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Daniel Agbibo, *They Eat Our Sweat: Transport Labor, Corruption, and Everyday Survival in Urban Nigeria* (Oxford University Press, 2022).

In popular understandings, “corruption” is the essence of acting outside rational-legal authority. It is also generally understood as “cultural” behavior, something that is innate and structural—even immovable. In this sense, the process of modernization, in which the primacy of rational-legal authority comes to dominate “patrimonial” relations, is one in which a culture of corruption should wither away. Daniel Agbibo's *They Eat Our Sweat* takes aim at this view through a theoretically important and empirically grounded study in a country that is, for some, almost a byword for a culture of corruption: Nigeria.

Corruption, he argues, should instead be understood as “socially embedded.” This concept helps Agbibo build an analysis of how corruption is not merely a deviation from modernity or somehow a pre-modern, or timeless cultural trait. Instead, this concept makes it possible to uncover how the meaning of corruption should be analyzed through the actually existing social structures through which “informal,” corrupt exchanges take place. In order to do so, the book dives deeply into the interpersonal relationships that shape everyday life in Lagos, the largest city in Africa at sixteen million people, and estimated to become the world's most populous city by the end of this century.

In choosing a context like Lagos, which is perhaps the world's quintessential rapidly urbanizing megacity, Agbibo has selected a place that is as “modern” as it gets. His focus is on the sector of collective transportation dominated by a largely informal network of bus owners, operators, and unions. The choice of city and sector locates “corruption” firmly within a thoroughly contemporary—and indeed, “modern”—place and moment. His argument is that corruption is a social tactic and not the product of “culture” in the highly structured, even immovable sense of the term. Instead, corruption is a tactic that responds to structures embedded in a larger political economy. In Lagos, as in much of the fast-growing urban world of the global South, the lack of labor absorbing urbanization has produced the material conditions for profound policy dilemmas.

This is a book with significant theoretical underpinnings and is rooted in a unique research base. Agbibo spent months working in the informal bus sector. This highly participatory form of ethnography—he was certainly no mere observer—allows him to generate a visceral sense of how, where, and, ultimately, why informality and “corruption” characterize the operations of this sector. These experiences enable him to generate a clear and, at the same time, nuanced sense of how