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## RECENT PUBLICATIONS

**THE GLOBAL DEBATE OVER CONSTITUTIONAL PROPERTY: LESSONS FOR AMERICAN TAKINGS JURISPRUDENCE.** By Gregory S. Alexander. Chicago, Ill.: University of Chicago Press. 2006. Pp. xiv, 320. \$39.00. Throughout the world, “[c]onstitution making is in the wind” (p.1). In the process, emerging democracies have debated — often heatedly — how much constitutional protection to afford to private property rights. In this wide-ranging comparative analysis, Professor Gregory Alexander examines the constitutional property clauses of such countries as post-war Germany and post-apartheid South Africa, juxtaposing them with U.S. Takings Clause jurisprudence. Although he argues that the effect of property clauses depends heavily on the country’s political and legal culture, Professor Alexander nonetheless maintains that the language of these clauses has considerable influence. For instance, Germany’s constitutional property clause, by explicitly recognizing certain responsibilities to society inherent in the ownership of property, forces German courts to confront directly the social-obligation dimension of property law. Professor Alexander’s exhortation for American law to follow this same approach is but one of several compelling arguments in this volume.

**CORPORATE BODIES AND GUILTY MINDS: THE FAILURE OF CORPORATE CRIMINAL LIABILITY.** By William S. Laufer. Chicago, Ill.: University of Chicago Press. 2006. Pp. xv, 288. \$40.00. Professor William Laufer’s critique of modern corporate criminal liability begins with a fascinating account of the development of corporate criminal law in the United States. From this history, Professor Laufer argues that the root of the law’s inability to regulate corporate behavior effectively is that law still has not figured out what a corporation actually is. This mistake leads to poor answers for how to deal with problems of collective responsibility, divisions between ownership and management, and corporate intent. Departing from many anti-corporate activists who contend that corporations should be accorded less legal status than natural persons, Professor Laufer uses the fiction of the corporate person to ascribe mental states to corporations. He proposes a test, based on the corporation’s organization, to determine when an action of a corporate agent can properly be ascribed to the corporation itself. The second part of the book describes various ways corporations game the criminal justice system, drawing examples from companies as diverse as Nike and HealthSouth and from practices such as “greenwashing,” in which companies present themselves to the public as model corporate citizens. Professor Laufer’s timely work offers a dispassionate analysis of problems relating to corporate crime.