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Book Notes*

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ACADEMIC FREEDOM

Rabban, David M. *Academic Freedom: From Professional Norm to First Amendment Right*. Cambridge, MA: Harvard University Press, 2024. Pp. vii + 369. $100.00 cloth.

Rabban argues that academic freedom fosters two central First Amendment values recognized by US courts in a wide range of contexts: the production and dissemination of knowledge and the contribution of free expression to democratic citizenship. He emphasizes the societal value of the contribution to knowledge made by the expert speech of professors and argues that any indication that professors might be disciplined because people without academic training disagree with their scholarly views would undermine confidence in the integrity of their work and therefore their ability to perform this vital function on behalf of the public.

ACCESS TO JUSTICE

Haynie, Stacia L. Kirk A. Randazzo, and Reginald S. Sheehan. *Does Privilege Prevail? Litigation in High Courts across the Globe*. Charlottesville, VA: University of Virginia Press, 2024. Pp. viii + 176. $95.00 cloth.

Haynie, Randazzo, and Sheehan analyze over fifteen thousand litigation outcomes of the high courts of six countries—Australia, Canada, India, the Philippines, South Africa, and the United Kingdom—from 1970 to 2000. They find that while the "haves" of society do undoubtedly enjoy certain advantages in the judicial system, a more complex explanation for legal outcomes is required than party capability theory provides—especially when it comes to assessing the role of attorneys and their legal teams or the components of the docket where judges can provide avenues for the "have nots" to succeed.

CRIMINAL JUSTICE AND SOCIAL CONTROL

Abolafia, Jacob. *The Prison before the Panopticon: Incarceration in Ancient and Modern Political Philosophy*. Cambridge, MA: Harvard University Press, 2024. Pp. ii + 237. $39.95 cloth.

Arguing that debates over imprisonment are as old as Western political philosophy itself, this book details the philosophy of incarceration as it developed from Demosthenes, Plato, and Philo to More, Hobbes, and Bentham. It emphasizes two major themes: the paradox of popular authorization–how to justify imprisonment in light of political and theoretical commitments to freedom and equality–and the promise of rehabilitation. While drawing on current historical scholarship to situate each thinker in the culture and penal practices of his own time and place, Abolafia also finds a deep and persistent influence of classical antiquity on modern theories of crime and punishment.

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Bernstein, Robin. *Freeman's Challenge: The Murder That Shook America's Original Prison for Profit.* Chicago: University of Chicago Press, 2024. Pp. xiii + 293. $27.50 cloth.

Bernstein recounts how the US North invented prison for profit half a century before the Thirteenth Amendment outlawed slavery "except as a punishment for crime"—and how Frederick Douglass, Harriet Tubman, and other African Americans invented strategies of resilience and resistance in a city dominated by a citadel of unfreedom. The context for the story is the experience of William Freeman, an Afro-Native teenager who was convicted of a theft he insisted he did not commit, was sentenced to five years of hard labor in Auburn's prison, and who, incensed at being forced to work without pay, demanded wages.

Clarno, Andy, Janaé Bonsu-Love, Enrique Alvear Moreno, Lydia Dana, Michael De Anda Muñiz, Ila Ravichandran and Haley Volpintesta. *Imperial Policing: Weaponized Data in Carceral Chicago*. Minneapolis, MN: University of Minnesota Press, 2024. Pp. xiii + 366. $28.95 paper.

This book examines the role of local law enforcement, federal immigration authorities, and national security agencies in upholding Chicago's social order. Collaboratively authored by the Policing in Chicago Research Group, the book was developed in dialogue with movements on the front lines of struggles against racist policing in Black, Latinx, and Arab/Muslim communities. It analyzes the connections between three police "wars"—on crime, terror, and immigrants—focusing on the weaponization of data and the coordination between local and national agencies to suppress communities of color and undermine social movements.

Grasso, Anthony. *Dual Justice: America's Divergent Approaches to Street and Corporate Crime.* Chicago: University of Chicago Press. 2024. Pp. iii + 324. $32.50 paper.

Examining the evolution of the carceral and regulatory states in the US from 1870 through today, Grasso argues that divergent approaches to street and corporate crime share common, self-reinforcing origins. During the Progressive Era, scholars and lawmakers championed naturalized theories of human difference to justify instituting punitive measures for poor offenders and regulatory controls for corporate lawbreakers. These ideas laid the foundation for dual justice systems: criminal justice institutions harshly governing street crime and regulatory institutions governing corporate misconduct. Since then, criminal justice and regulatory institutions have developed in tandem to reinforce politically constructed understandings about who counts as a criminal.

Gregory, Anthony. *New Deal Law and Order: How the War on Crime Built the Modern Liberal State.* Cambridge, MA: Harvard University Press, 2024. Pp. ix + 491. $45.00 cloth.

Crime policy, this book argues, was a defining feature of the US New Deal. Gregory follows President Franklin Roosevelt, Attorney General Homer Cummings, and their war on crime coalition, which overcame the institutional and political

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challenges to the legitimacy of national law enforcement. He finds that promises of law and order helped to manage tensions among key Democratic Party factions—organized labor, Black Americans, and white Southerners–and that the New Deal anticrime program, featuring a strengthened criminal code, an empowered FBI, and the first federal war on marijuana, was essential to the expansion of national authority previously stymied on constitutional grounds.

Hester, Rhys. *Sentencing Without Guidelines*. Philadelphia: Temple University Press, 2024. Pp. xi + 168. $24.95 paper.

While sentencing guidelines have been adopted by approximately 20 US states since the early 1980s, many judges operate without guidelines. Hester examines the situation in South Carolina, which never passed sentencing guideline legislation but nonetheless created meaningful punishment reform, achieving uniformity in sentencing with a traveling circuit of judges, informal norms among judges, and the unique phenomenon of the "Plea Judge" to manage cases.

Mallinson, Daniel J. and A. Lee Hannah. *Green Rush: The Rise of Medical Marijuana in the United States.* New York: NYU Press, 2024. Pp. iv + 228. $30.00.

Mallinson and Hannah offer a history of cannabis legalization in the US, focusing on factors including shifts in public opinion, growing opposition to the War on Drugs, the promise of new revenue streams. They examine the complex web of state actors and the steps they took to chart a path forward for marijuana legalization, from grassroots activists and interest groups to elected officials and other key policymakers who not only created, legitimized, and spread medical marijuana policy but also learned from each other's successes and failures.

Manzi, Lucia. *The Causes of Effective Corruption Prosecution in Italy.* Lanham, MD: Rowman & Littlefield. 2024. Pp. xiii + 241. $105.00 cloth.

This book explores the causes of prosecutorial independence and effectiveness against systemic corruption through an examination of the conditions leading to the 1992 Italian "Clean Hands" operation, which resulted in hundreds of convictions and permanently changed the Italian political landscape. Drawing on case studies of prosecutors' offices in Milan, Rome, Palermo, and Reggio Calabria, Manzi finds that the introduction of egalitarian organizational structures created ideal conditions for the emergence of legal innovations and their diffusion via judicial and prosecutorial networks, and resulted in the unprecedented accumulation of prosecutorial expertise on complex criminal issues.

Mello, Joseph. *Pot for Profit: Cannabis Legalization, Racial Capitalism, and the Expansion of the Carceral State*. Stanford, CA: Stanford University Press, 2024. Pp. xi + 192. $26.00 paper.

This book traces the cultural, historical, political, and legal roots of changing attitudes towards cannabis in the US, featuring interviews with dispensary owners,

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bud tenders, and other industry employees about their experience working in the legal cannabis industry, and with cannabis reform activists working towards legalization. Mello argues that embracing neoliberalism and the profit potential of cannabis has been key to the success of reform, but that this approach has problematic economic and racial implications. He concludes with a meditation on what, if anything, can be done to move the reform movement onto a more progressive track.

Raschig, Megan S. *Healing Movements: Chicanx-Indigenous Activism and Criminal Justice in California*. New York: New York University Press, 2024. Pp. viii+ 199. $30.00 paper.

Raschig explores the work of formerly gang-involved Chicanx men and women in Salinas, California, who draw on the social connections made during their gang-involved years to forge new pathways for cultural healing and countering the carceral system. Organizing around such issues as police brutality and mass incarceration, these collectives—two of which are discussed in this book, one mixed-gender, and the other women-only—turned to their often obscured Mesoamerican ancestry to find new resources for building a different future for themselves and subsequent generations.

HUMAN RIGHTS

Barras, Amèlie. *Faith in Rights: Christian-Inspired NGO's at Work in the United Nations.* Stanford, CA: Stanford University Press, 2024. Pp. xviii + 212. $70.00 cloth.

Barras analyzes—through interviews, ethnography, and document and archive analysis—the everyday human rights work of Christian NGOs at the United Nations Human Rights Council. She documents how these NGOs are involved in a constant work of double translation: they translate their human rights work into a religious language to make it relevant to their on-the-ground membership, but they also reframe the concerns of their membership in human rights terms to make them audible to UN actors.

Kendall, Chris. *Between Possibility and Peril: Domestic Courts and the Selective Enforcement of International Human Rights.* Philadelphia, PN: University of Pennsylvania Press, 2024. Pp. iii + 250. $64.95.

Kendall explores the dynamics of human rights law in three nation states—Colombia, Mexico, and South Africa—in the twenty years following each country's democratic transition. He finds that what matters most is not international law itself, but a domestic court's ability to control its procedural environment. This allows a court to selectively engage international human rights issues that can enhance its legitimacy and build public support while avoiding those issues likely to put it in direct conflict with hostile political actors. The result is

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paradoxical—the most successful courts are those that in the short term often disappoint rights advocates.

LAW AND AUTHORITARIAN REGIMES

Haberkorn, Tyrell. *Dictatorship on Trial: Coups and the Future of Justice in Thailand*. Stanford, CA: Stanford University Press, 2024. Pp. xxiv + 261. $30.00 paper.

Combining legal and historical scholarship and courtroom observation, this book examines the legal, social, and political impacts of authoritarianism and foregrounds court decisions as both a history of repression and a site in which to imagine future justice. Haberkorn takes up five cases decided under the National Council for Peace and Order regime in Thailand, finding that the legal system was used to criminalize the thoughts and actions of democratic dissidents, facilitate extrajudicial violence, and guarantee impunity for the coup and crimes by state officials. The analysis of each case is followed by rewritten judgments created in collaboration with Thai human rights activists.

LAW AND BUSINESS RELATIONSHIPS

Li, Ji. *Negotiating Legality: Chinese Companies in the US Legal System.* Cambridge, UK: Cambridge University Press, 2024. Pp. xii + 246. $125.00 cloth.

Drawing on extensive interviews and multi-year survey data, Li introduces a dual institutional framework to analyze how Chinese companies develop in-house legal capacities, engage with US legal professionals, and navigate litigation in US courts. He concludes that despite escalating geopolitical rivalry, the US and China continue to be economically intertwined.

LAW AND CHILDREN

Hartog, Hendrik, *Nobody's Boy and His Pals: The Story of Jack Robbins and The Boy's Brotherhood Republic*. Chicago: University of Chicago, 2024. Pp. ii + 337. $26.00 paper.

In 1914, social reformer Jack Robbins and a group of adolescent boys in Chicago founded the Boys' Brotherhood Republic, an unconventional institution that did not seek to rehabilitate or punish wayward youths, but rather featured self-government and compassion. Scouring the archives for traces of the elusive Jack Robbins, Hartog examines the legal histories of Progressive reform, childhood, criminality, repression, and free speech. Robbins' will suggests that he continued to care about forgotten boys, even as the political and legal contexts that shaped children's lives changed dramatically. The legal challenges to his will wound up establishing the extent to which last wishes must conform to dominant social values.

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LAW AND EMPIRE

Potts, Shaina. *Judicial Territory: Law Capital and the Expansion of American Empire.* Durham, NC: Duke University Press, 2024. Pp. xi + 288. $28.95.

Potts argues that law is an essential tool for US geopolitical and economic interests. Through examination of cases involving private US companies, on the one hand, and foreign state-owned enterprises, nationalizations, and sovereign debt, on the other, she finds that technical changes relating to the treatment of foreign sovereigns in domestic US law allowed the US to extend its purview over global financial and economic relations, including many economic decisions of foreign governments. She concludes that US law has remapped territoriality, actively producing globalization and making the entire world part of US economic space.

LAW AND POPULAR CULTURE

Fish, Stanley. *Law at the Movies: Turning Legal Doctrine into Art.* New York, NY: Oxford University Press, 2024. Pp. iii + 211. $35.00 cloth.

Fish asks how legal doctrine–the specific rules and procedures invoked and analyzed by courts on the way to declaring a substantive decision–can be turned into filmic art. In the movies he discusses, points of doctrine and procedure do not serve as background to the substantive issues that drive the plot and provide the characters with choices. Rather they declare the plot, and character is formed and tested in relationship to their demands; what seem as technical matters are pressed until they occupy both foreground and background and become the movie's true subject.

LAW AND RACE

Ribovich, Leslie Beth. *Without a Prayer: Religion and Race in New York City Public Schools.* New York: New York University Press. 2024. Pp. iv + 239. $30.00 cloth.

Drawing on research from a number of archival repositories, newspaper and legal databases, and visual and material culture, Ribovich finds that religion and racial discrimination are woven into the very fabric of US public schools, continuing to inform public education's everyday practices even after Supreme Court rulings to the contrary. Using New York City as a window into a national story, she argues that even public schools that were not legally segregated nonetheless remained racially segregated in part because public schools rooted moral lessons in an invented tradition—Judeo-Christianity—and in whiteness.

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TRANSITIONAL JUSTICE

Meierhenrich, Jens. *The Violence of Law: The Formation and Deformation of Gacaca Courts in Rwanda.* Cambridge, UK: Cambridge University Press, 2024. Pp. xxviii + 740. $155.00 cloth.

Meierhenrich provides a redescription of Rwanda's experiment in transitional justice known as inkiko gacaca. He dissects the temporally and structurally embedded mechanisms and processes by which change agents in post-genocide Rwanda manoeuvred to create modified legal arrangements of things past, finding an unexpected jurisprudence of violence. Combining nomothetic and ideographic reasoning, he concludes that the deformation of the gacaca courts – and thus the rise of lawfare (the systematic use and abuse of legal procedure for political ends) in post-genocide Rwanda – was the outcome of a violently structured contingency.

US CONSTITUTIONAL HISTORY

LaCroix, Alison L. *The Interbellum Constitution: Union, Commerce, and Slavery in the Age of Federalisms.* New Haven, CT: Yale University Press, 2024. Pp. ii + 562. $45.00 cloth.

Between 1815 and 1861, US constitutional law and politics underwent a profound transformation. The "Interbellum Constitution" was a set of shared legal and political principles—commerce, concurrent power, and jurisdictional multiplicity—concerned with what we now call federalism. LaCroix argues that there existed many more federalisms in the early nineteenth century than today's constitutional debates admit; she finds that this was a period of intense rethinking of the very basis of the U.S. national model, a problem debated from newspapers and statehouses to local pubs and pulpits that ultimately led to civil war and to a new, more unified constitutional vision.

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