Law & Social Inquiry (2025), **50**, e1–e7
doi:10.1017/lsi.2025.10096

Law& Social Inquiry

BOOK NOTES*

CONSTITUTIONAL THEORY AND HISTORY

Bambrick, Christina R. *Constitutionalizing the Private Sphere: A Comparative Inquiry*. New York: Cambridge University Press, 2025. Pp. xi + 306. $130.00 cloth. While traditionally only government actors are responsible for upholding constitutional rights, courts and constitution-makers increasingly do assign constitutional duties to private actors as well. Bambrick argues that this phenomenon of applying rights 'horizontally' can be understood through the lens of republican political theory. She races these themes in debates from such diverse jurisdictions as the United States, India, Germany, South Africa, and the European Union.

Dershowitz, Alan. *The Preventive State: The Challenge of Preventing Serious Harms While Preserving Essential Liberties*. New York: Encounter Books. 2025. Pp. xviii + 220. $29.99 cloth. Focusing on the growing magnitude and frequency of cataclysmic threats, coupled with the increasingly effective—but increasingly intrusive—tools intended to predict and prevent them, Dershowitz suggests a jurisprudential framework that would set limits to the ballooning power of what he calls "the preventive state." He seeks a jurisprudence that provides balance and accountability as both dangers and preventive capabilities increase, threatening both our security and our liberties.

Fitzsimmons, Michael P. *The Forgotten Constitution: The Origins, Realization, and Legacy of the French Constitution of 1791*. Oxford, UK: Oxford University Press, 2025. Pp. ix + 288. $132.00 cloth. Fitzsimmons argues that, although little known outside of France, the French Constitution of 1791 is the progenitor of the movement toward constitutionalism in Europe and the world. The constitution developed out of an increasing fear of royal despotism during the eighteenth century; the conquests of the Revolution and the Empire carried the constitutional ideal across Europe from Madrid to Warsaw. After Bonaparte's final defeat in 1815, the European powers sought to stamp out constitutionalism, but it burst forth again in the Revolutions of 1848.

Gadson, Marcus Alexander. *Sedition: How America's Constitutional Order Emerged from Violent Crisis*. New York: NYU Press, 2025. Pp. iv + 252. $32.00 cloth. Gadson focuses on major moments of constitutional crisis at the state level, considering episodes of civil unrest and how state governments handled them. He examines six instances: The Buckshot War, Dorr's Rebellion, Bleeding Kansas, the Brooks-Baxter War, a successful

*Book Notes are adapted from promotional material provided by the publisher.

© The Author(s), 2025. Published by Cambridge University Press on behalf of American Bar Foundation

https://doi.org/10.1017/lsi.2025.10096 Published online by Cambridge University Press

terrorist campaign to overthrow South Carolina's government during Reconstruction, and the Wilmington Insurrection of 1898. He chronicles these turbulent periods of violent anti-government conflict, explaining what it was like to experience coup d'états, rival governments fighting in the streets, and disputed elections that gave way to violence.

CRIMINAL JUSTICE AND SOCIAL CONTROL

Hanson, Rebecca. *Policing the Revolution: The Transformation of Coercive Power and Venezuela's Security Landscape During Chavismo*. Oxford, UK: Oxford University Press, 2025. Pp. xiv + 265. $29.95 paper. Henson argues that possibly the most important legacy of the Bolivarian Revolution in Venezuela is the way in which Chavista policies transformed coercive power and the security landscape. Drawing on ethnographic, interview, focus group, and survey research, she finds that security policies implemented by Chavista governments had the result of disrupting and rearranging police institutions, outsourcing security to and dispersing coercive power across multiple nonstate actors, and individualizing security. She concludes that these policies and their outcomes are essential to understanding how and why police violence increased so dramatically in the country.

Lain, Corinna Barrett. *Secrets of the Killing State: The Untold Story of Lethal Injection*. New York: NYU Press, 2025. Pp. iv+ 373. $29.95 cloth. Lain argues that the story of lethal injection is a story of gross incompetence, junk science, law breaking, torturous deaths, and a stunning indifference to the way in which human beings die at the hands of the state. Drawing from litigation files, scientific studies, investigative journalism, autopsy reports, interviews, and scholarship across a number of fields, she seeks to shine a light on both lethal injection and capital punishment more broadly, concluding that the state at its most powerful moment is also the state at its worst.

Moskos, Peter. *Back from the Brink. Inside the NYPD and New York City's Extraordinary 1990s Crime Drop*. Oxford, UK: Oxford University Press, 2025. Pp. xii + 296. $29.95 cloth. New York City's 1990s crime drop was unexpected and was a counter to a long-established academic narrative that crime could only be addressed through greater changes in society. Drawing on extensive interviews, this book explains the crime drop from the police officers' perspectives. Moskos reviews strategies focused on reducing subway graffiti, improving public safety along 42nd Street, increasing the number of officers and police leadership focused on crime reduction through 'broken windows' policing, accurate and timely intelligence, rapid deployment, effective tactics, and relentless follow-up and assessment.

Ramachandran, Vibhuti. *Immoral Traffic: An Ethnography of Law, NGOs, and the Governance of Prostitution in India*. New York: Cambridge University Press, 2025. Pp. xxvii + 241. $130.00 cloth. Ramachandran's ethnography delves into the intersection of India's anti-prostitution law and global anti-trafficking campaigns, examining the role of legal actors and NGOs and highlights the mix of paternalism, humanitarianism, punitive care, bureaucracy, and morality in their efforts. The book follows the experiences of sex workers, from rescues to courts to carceral shelters, and considers how these interventions are navigated by women removed from the sex trade.

https://doi.org/10.1017/lsi.2025.10096 Published online by Cambridge University Press

Taylor, Kirstine. *Sunbelt Capitalism and the Making of the Carceral State*. Chicago: University of Chicago, 2025. Pp. x + 260. $32.50 paper. This book charts the evolution of criminal punishment in the southern US–"the most incarcerated region in the globe's most incarcerated nation"–from Jim Crow to the dawn of mass incarceration. Taylor finds that the crisis in the cotton fields and the arrival of Sunbelt capitalism in the south's rising metropolises prompted lawmakers to build expansive, modern criminal punishment systems in response to the Black freedom movements of the 1960s and '70s.

DISPUTE RESOLUTION

Alberstein, Michal, and Nofit Amir. *Vanishing Legal Justice: The Changing Role of Judges In an Era of Settlements and Plea Bargains*. New York: Cambridge University Press, 2025. Pp. xii + 201. $130.00 cloth. A full trial has become an uncommon phenomenon in many legal systems, replaced largely by promotion of settlement and plea-bargaining; this book uncovers today's judicial role in this radically changed legal setting. Alberstein and Amir analyzed court dockets, studied judges in action, and conducted interviews with judges and lawyers across several legal cultures, seeking to provide insights into the changing judicial role and the metamorphosis of legal systems.

Miller, Monica K., Mia A. Holbrook, Logan A. Yelderman, and Kylie Kulak, eds. *Society, Science, and Problem-Solving Courts.* Oxford, UK: Oxford University Press, 2024. Pp. viii + 338. $60.00 cloth. Contributors to Miller, Holbrook, Yelderman, and Kulak's volume argue that science and society together can explain much of the development, expansion, and variety of problem-solving courts worldwide. iThey also highlight factors that prevent the development of problem-solving courts or make them unnecessary.

LAW AND CHILDREN

Randles, Jennifer and Kerry Woodward eds. *Policing Not Protecting Families: The Child Welfare System as Poverty Governance.* New York: NYU Press, 2025. Pp. vi + 386. $35.00 paper. Contributors to Randles and Woodward's volume argue that the US child welfare system is a key site of poverty governance, or state control and management of poor families. Chapters bring together empirical research from diverse settings across the US, highlighting the system's interactions with other state systems and its wide impact on marginalized families. The overall conclusion is that the child welfare system fails to protect children and families from the structural inequalities that shape the lives of poor and other marginalized families.

LAW AND IMMIGRATION

Nofil, Brianna. *The Migrant's Jail: An American History of Mass Incarceration*. Princeton, NJ: Princeton University Press, 2024. Pp. xiv + 322. $32.00 paper. Drawing on immigration records, affidavits, protest letters, and a variety of local sources, Nofil finds that a century of political, ideological, and economic exchange between the U.S. immigration bureaucracy and local criminal legal systems gave rise to the world's largest system of migrant incarceration. Beginning with the incarceration of Chinese

https://doi.org/10.1017/lsi.2025.10096 Published online by Cambridge University Press

migrants in New York in the 1900s and 1910s, federal immigration authorities provided communities with a cash windfall that they used to cut taxes, reward local officials, and build bigger jails—which they then had incentive to fill, creating a "cruel paradox of administrative imprisonment."

Shanahan, Brendan A. *Disparate Regimes: Nativist Politics, Alienage Law, and Citizenship Rights in the United States, 1865-1965.* Oxford, UK: Oxford University Press, 2025. Pp. xvii + 293. $29.95 cloth. By examining topics that are often considered separately or treated as having marginal importance, Shanahan seeks to underscore the centrality of nativist state politics and alienage policies to the history of American immigration and citizenship from the late nineteenth to the mid-twentieth centuries. He concludes that nativist state politics and alienage policies helped to invent and concretize the idea that citizenship rights meant citizen-only rights in law, practice, and popular perception in the United States.

Vega, Irene I. *Bordering on Indifference: Immigration Agents Negotiating Race and Morality*. Princeton, NJ: Princeton University Press, 2025. Pp. ix + 217. $29.95 paper. Vega analyzes the rationales that shape how U.S. immigration agents understand and carry out their work. Drawing on interviews with ninety agents—Border Patrol Agents and ICE Deportation Officers, most of whom are Mexican Americans—she examines why they took the job and how their training and socialization shape the ways that they grapple with the racial and moral issues raised by their work. She concludes that indifference is the bureaucratic resource that allows agents to look away from the most morally ambiguous aspects of their work and helps them cultivate legitimacy for their employer.

LAW AND INTELLECTUAL PROPERTY

Fossum, Dave. *Copyright Consciousness: Musical Creativity and Intellectual Property in Turkey.* Middletown, CT: Wesleyan University Press, 2025. Pp. xiii + 277. $25.95 paper. Fossum examines the influence of intellectual property law, musical creativity, and state cultural policy in Turkey's music industry. Drawing on ethnographic and archival data from the past five decades, and introducing theories of legal consciousness into ethnomusicology, he documents how a broad range of actors negotiate and constitute an emergent legality in music. The book tracks how these actors make sense of and respond to the music copyright system's purported failures and perceived injustices, often integrating their experiences into larger narratives about Turkish society, the nature and value of musical creativity, and the histories of national genres, especially folk music.

LAW AND THE LGBTQ+ COMMUNITY

Abeyratne, Rehan. *Courts and LGBTQ+ Rights in an Age of Judicial Retrenchment*. Oxford, UK: Oxford University Press, 2025. Pp. xvi + 266. $130.00 cloth. This book explores rights adjudication within the broader context of declining liberal constitutionalism within the United States, India, and Hong Kong. Analyzing landmark LGBTQ+ rights judgments and topical case studies in increasingly challenging political and institutional contexts, Abeyratne finds that courts have gradually shifted toward using LGBTQ+ rights to

https://doi.org/10.1017/lsi.2025.10096 Published online by Cambridge University Press

demonstrate their rhetorical commitment to liberal and global constitutionalism, even as their judgments may fall short of, or even undermine, those ideals.

George, Marie-Amélie. *Family Matters: Queer Households and the Half-Century Struggle for Legal Recognition.* New York: Cambridge University Press, 2024. Pp. xiv + 368. $39.99 cloth. George recounts the decades of advocacy that reshaped the place of same-sex sexuality in American law and society – and ultimately made marriage equality possible. Her focus is on shifts at the state and local levels, where the central figures were everyday people without legal training.

LAW AND MEDICINE

Heimer, Carol A. Governing the Global Clinic: *HIV and the Legal Transformation of Medicine*. Chicago: University of Chicago, 2025. Pp. xi + 406. $35.00 paper. Drawing on years of research in HIV clinics in the United States, Thailand, South Africa, and Uganda, Heimer examines how growing norms of legalized accountability have altered the work of healthcare systems and how the effects of legalization vary across different national contexts. Challenging readers to reconsider the impulse to use law to organize and govern social life, the work poses difficult questions: When do rules solve problems, and when do they create new problems? When do rules become decoupled from ethics, and when do they lead to deeper moral commitments? And when do they reflect, reproduce, and even amplify inequality?

LAW AND RACE

Barter, Faith. *Black Pro Se.* Chapel Hill: University of North Carolina, 2025. Pp. xv + 218. $34.95 paper. Barter finds that in the antebellum US, in newspapers and pamphlets, political speeches, and fiction, Black writers persistently imagined alternative and liberatory legal futures. In reading these writers as architects of legal possibility, she seeks to mobilize the coincidental intimacy of prose and the legal term pro se, which refers to litigants who represent themselves in court. Her book studies multiple literary genres—short stories, novels, freedom narratives, speeches, confessions, periodicals, and pamphlets—alongside legal historical treatises, trial transcripts, judicial opinions, and statutes.

Kupchik, Aaron. *Suspended Education: School Punishment and the Legacy of Racial Injustice*. New York: NYU Press, 2025. Pp. x + 279. $32.00 cloth. Kupchik argues that US school suspensions were never intended to be a behavior management tool. Instead, drawing on statistical analysis and in-depth case studies of schools in Massachusetts and Delaware, he finds that suspension rates skyrocketed after the 1954 *Brown v. Board of Education* decision, serving as an unofficial means of removing Black children from newly desegregated schools, and that in general school districts with more desegregation-related legal battles from the 1950s onward suspend more Black students today. He concludes with a call to abolish the suspension and other exclusionary punishments.

Martinez, Aja Y. and Robert O. Smith. *The Origins of Critical Race Theory: The People and Ideas That Created a Movement.* New York: NYU Press, 2025. Pp. xvi + 247. $30.00

https://doi.org/10.1017/lsi.2025.10096 Published online by Cambridge University Press

cloth. Drawing on archival resources and interviews with founders, Martinez and Smith weave together the many sources of critical race theory, recounting its origin story, reviewing its key tenets and insights, and exploring the lives and intellectual influences of the movement's founders. They conclude that critical race theory is an organic extension of the Civil Rights movement, a deeply human and deeply American response to ongoing systemic injustice and inequity.

LAW AND TIME

Fagan, Frank, and Saul Levmore, eds. *Research Handbook on Law and Time*. Northampton, MA: Edward Elgar Publishing, Inc, 2025. Pp. viii + 373. $280.00 cloth. Contributors to Fagan and Levmore's volume seek to expand upon the structural relationship between law and time, examining how societies and legal systems coordinate around timing conventions and how the use of time constraints can alter litigation and deter socially destructive behavior. They evaluate transition and timing rules, analyze the 'dilemma of waiting', delayed implementation, the use of temporary laws in emergency situations, and third-party losses arising from delays. They also investigate practical issues such as mandatory retirement, statutes of limitations, and the impact of legal developments over time.

LAW AND WOMEN

Lens, Jill Wieber, *Stillbirth and the Law*. Oakland, CA: University of California Press, 2025. Pp. ix + 294. $29.95 paper. Each year in the United States, about 1 in 170 births is a stillbirth, a rate that has remained stagnant for most of this century even as other high-income countries have dramatically reduced their already lower rates. Lens blends personal experience and legal analysis to argue that law inhibits prevention, affects the experience of stillbirth, and shapes broader notions of unborn life.

LAW IN ACTION

Zhang, Yaning. *The European Commission's Toleration of Noncompliance with EU Law: A Guardian with Two Faces*. Oxford, UK: Oxford University Press, 2025. Pp. xiv + 246. $130.00 cloth. This book seeks to understand why the European Commission, as the guardian of the EU treaties, purposely tolerates noncompliance with EU law by member states. Drawing on four in-depth case studies covering diverse policy areas (public health, defense, migration and asylum, transport) and different member states (Slovakia, the Czech Republic, Italy, and Germany), Zhang argues that enforcement forbearance can be used by the Commission to suppress the inherent deficiencies of EU law (altruistic toleration of noncompliance) or as a quid pro quo to advance the Commission's policy agenda (egocentric toleration of noncompliance).

LEGAL HISTORY

Mack, Kenneth W. and Jacob Katz Cogan, eds. *In Between and Across: Legal History Without Boundaries.* Oxford, UK: Oxford University Press, 2024. Pp. xiv + 328. $125.00 cloth. Legal historians have begun to focus on the blurring of boundaries in other

https://doi.org/10.1017/lsi.2025.10096 Published online by Cambridge University Press

areas of history, such as those between markets and politics, between identity and state power, as well as between national borders and the flows of people, capital, and ideas around the world. Contributors to Mack and Cogan's volume seek to capture the best of the new and innovative tools and questions that have made law a central plane of inquiry, chart novel directions for the field, and pose broader questions concerning the past, present, and future.

LEGAL PROFESSION

Funk, Kellen R. *Law's Machinery: Reforming the Craft of Lawyering in America's Industrial Age.* New York, NY: Oxford University Press, 2025. This book examines how US lawyers in the age of industrialization, reconceptualized law as a tool that could be forged and reformed to fit their needs. By legislating a "code of practice," innovators like New York attorney David Dudley Field and his associates across the elite American bar attempted to rebuild the practice of law from the ground up in the mid-nineteenth century. While many of their reforms proved futile or misguided over time, ultimately, the codifiers succeeded in making American law a machine run by, and in the interests of, professional lawyers like themselves.

RULE OF LAW

Shaffer, Gregory, and Wayne Sandholtz, eds. *The Rule of Law under Pressure: A Transnational Challenge.* New York: Cambridge University Press, 2025. Pp. xvi + 532. $35.99 paper. Available as Open Access on Cambridge Core. Contributors to Shaffer and Sandholtz's volume seek to provide conceptual clarity and a richly detailed assessment of recent challenges to the rule of law, considering rule of law developments at the international level and within key countries around the world.

TRANSFORMATION OF LEGAL SYSTEMS

Siddiqui, Sohaira Z. Islamic *Law on Trial: Contesting Colonial Power in British India*. Oakland, CA: University of California Press, 2025. Pp. xiii + 247. $95.00 cloth. Prior to the East India Company's establishment in India in 1661, Islamic law was widely applied by the Mughal Empire. But as the Company's power grew, it established a court system intended to limit Islamic law. Siddiqui interrogates the project of juridical colonization and finds that alongside—and despite—the violent displacement of Muslim legal sovereignty, Muslims were able to engage with and even champion Islamic law from inside the colonial judiciary. The outcome of their work was a paradoxical legal terrain that appeared legitimate to both Muslim practitioners and English colonizers.

Cite this article: (2025). 'BOOK NOTES'. *Law & Social Inquiry* **50**, e1–e7. https://doi.org/10.1017/lsi.2025.10096

https://doi.org/10.1017/lsi.2025.10096 Published online by Cambridge University Press