

Book Notes*

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COURTS AND ACCESS TO JUSTICE

HINKLE, RACHAEL K. *Selective Publications in the U.S. Courts of Appeals: The Invisible Norm that Perpetuates Inequality*. Oxford, UK: Oxford University Press, 2024. Pp. xxii + 178. \$125 cloth.

In order to keep up with an increasing number of appeals yet still provide quality legal analysis, in the 1970s the U.S. Courts of Appeals began designating some decisions as unpublished and declaring that those rulings are not binding precedent. Drawing on an original dataset of over two hundred thousand cases, Hinkle finds that this seemingly benign institutional feature contributes to problematic differences in the way resources and demographic features shape power and privilege in the circuit courts. She concludes that selective publication plays a significant role in who gets what, when, and how.

CRIMINAL JUSTICE AND SOCIAL CONTROL

BEDERA, NICOLE. *On the Wrong Side: How Universities Protect Perpetrators and Betray Survivors of Sexual Violence*. Oakland, CA: University of California Press, 2024. Pp. x + 309. \$26.96 cloth.

Drawing on data from survivors, perpetrators, and the administrators who oversaw their cases, Bedera provides a comprehensive account of the inner workings of the US Title IX system. She concludes that the system tasked with ending gender inequality on campus only intensifies it, upending survivors' lives and threatening the degrees that brought them to college in the first place.

CHIARELLO, ELIZABETH. *Policing Patients: Treatment and Surveillance on the Frontlines of the Opioid Crisis*. Princeton, NJ: Princeton University Press, 2024. Pp. iv + 292. \$32.00 cloth.

Chiarello draws on hundreds of in-depth interviews with physicians, pharmacists, and enforcement agents across the US to study the frontlines of the opioid crisis, where medical providers must make difficult choices between treating and punishing the people in their care. States now employ prescription drug monitoring programs capable of tracking all controlled substances within a state and across state lines; the book describes how the reliance on these databases blurs the line between medicine and criminal justice and pits pain sufferers against people with substance-use disorders in a zero-sum game.

DIRKSON, MENIKA B. *Hope and Struggle in the Policed City: Black Criminalization and Resistance in Philadelphia*. New York: NYU Press, 2024. Pp. xv + 310. \$45.00 cloth.

Drawing from multiple sources, including newspapers, census records, oral histories, interviews, and police investigation reports, Dirkson argues that over time, in an attempt to halt white flight from the city, Philadelphia developed a system of racial capitalism in which it divested from social welfare programs and instead invested in policing, promoting a "tough on crime" approach that

generated wealth for its tax base. She concludes that this approach became embedded all through society, leading to enduring systemic issues of hyper-surveillance, the use of excessive force, and mass incarceration.

FARRIS, EMILY M. and MIRYA R. HOLMAN. *The Power of the Badge: Sheriffs and Inequality in the United States*. Chicago: University of Chicago Press. 2024. Pp. xi + 287. \$25.00 paper.

Farris and Holman draw on two surveys of US sheriffs taken nearly a decade apart, as well as election data, case studies, and administrative data to show how a volatile combination of authority and autonomy has created an environment where sheriffs rarely leave office; elections seldom create meaningful accountability; employees, budgets, and jails can be used for political gains; marginalized populations can be punished; and reforms fail. They also track the increasingly close linkages between sheriffs and right-wing radical groups in an era of high partisanship and intra-federal conflict.

PAYNE, EVA. *Empire of Purity: The History of Americans' Global War on Prostitution*. Princeton, NJ: Princeton University Press, 2024. Pp. iv + 324. \$35.00 cloth.

Payne finds that between the 1870s and 1930s, US social reformers transformed sexual vice into an international political and humanitarian concern. She traces the history of these efforts, finding that the policing and penalization of sexuality was used to justify American interventions around the world. Drawing on the stories of sex workers, she concludes that their experiences defy the dichotomies that have shaped American cultural and legal conceptions of prostitution and trafficking, such as choice and coercion, free and unfree labor, and white sexual innocence and the assumed depravity of nonwhites.

SNYDER, BENJAMIN H. *Spy Plane: Inside Baltimore's Surveillance Experiment*. Oakland, CA: University of California Press, 2024. Pp. xii + 291. \$95.00 cloth.

This book examines an experiment by the Baltimore, Maryland Police Department, which had an aerial surveillance plane that promised to help police “solve otherwise unsolvable crimes” by tracking the whereabouts of suspects in violent crime cases. Drawing from direct access to the for-profit tech startup that ran the program, Snyder recounts the cases where police used this untested tool and explores why police and community leaders place so much faith in unproven technology to fix the problem of urban violence, while continually coming up short.

STARDUST, ZAHRA. *Indie Porn: Revolution, Regulation, and Resistance*. Durham, NC: Duke University, 2024. Pp. xii + 310. \$28.95 paper.

Stardust, herself a US porn performer and participant, examines the motivations and interventions of independent porn producers as they navigate criminal laws, risk-averse platforms, discriminatory algorithms, and rampant piracy. Against the backdrop of a global gig economy, she documents the promises of indie porn to democratize content, revolutionize production, and redistribute wealth while

outlining the fantasies of regulators, whose illusions of what porn is and does foreclose possibilities for transformation. She concludes that as these paradigms collide, porn producers engage in creative tactics to hustle for survival and visibility, from ethical certification to law reform, sometimes reproducing hierarchies of stigma themselves.

WALKER, SAMUEL. *The Future of Police Reform: The U.S. Justice Department and the Promise of Lawful Policing*. New York: NYU Press, 2024. Pp. x + 261. \$35.00 cloth.

This book focuses on US Justice Department's "pattern or practice" program, which investigates police departments that display patterns of unconstitutional practices, initiates civil suits, and secures court-enforced consent decrees that mandate reform. Walker examines the reforms dictated by these consent decrees, delves into the challenges of their implementation, and evaluates the progress made by various departments in enhancing police services. He also considers the broader societal, political, and legal issues that profoundly influence reform efforts, and concludes that, despite various obstacles, the program has proven successful.

JURISPRUDENCE AND SOCIOLEGAL THEORY

DAGAN, HANOCH and AVIHAY DORFMAN. *Relational Justice: A Theory of Private Law*. Oxford, UK: Oxford University Press, 2024. Pp. xii + 300. £90.00.

Discarding the vision of private law as a bastion of negative duties of non-interference or efficiency maximization, Dagan and Dorfman reframe private law in terms of "relational justice"—reciprocal respect for self-determination and substantive equality. They apply this framework to an analysis of familiar private law doctrinal areas, and chart its application in newer areas including workplace safety, poverty, discrimination, and international law.

LAW AND AUTHORITARIANISM

Daly, Samuel Fury Childs. *Soldier's Paradise: Militarism in Africa after Empire*. Durham, NC: Duke University, 2024. Pp. xii + 284. \$28.95 paper.

This book recounts the story of how Africa's military dictators tried and failed to transform their societies into martial utopias. In Nigeria and other former British colonies, officers governed like they fought battles. Civilians were subjected to military-style discipline, and the military saw judges as allies in their mission to make society more like an army. But drawing on legal records, archival documents, and memoirs, Daly finds that law was not the disciplinary tool soldiers thought it was; it both enabled militarism and worked against it.

LAW AND COLONIALISM

ATILES, JOSE. *Crisis by Design: Emergency Powers and Colonial Legality in Puerto Rico*. Stanford, CA: Stanford University Press, 2024. Pp. xv + 313. \$32.00 paper.

Atiles argues that the crisis in Puerto Rico results from the social, legal, and political structure of colonialism. He focuses particularly on how administrations, through emergency powers and laws paired with the dynamics of wealth extraction, have served to sustain and exacerbate crises. He concludes that the Puerto Rican case provides insight into the role of law and emergency powers in other global south, Caribbean, and racialized and colonized countries.

LAW AND GUN RIGHTS

FILINDRA, ALEXANDRA. *Race, Rights, and Rifles: The Origins of the NRA and Contemporary Gun Culture*. Chicago: University of Chicago, 2023. Pp. ix + 382. \$30.00 paper.

Although many associate gun-centric ideology with individualist and libertarian traditions in US political culture, this book argues that it rests on an equally old but different foundation. Filindra argues that US gun culture can be traced back to the Revolution when republican notions of civic duty were fused with a belief in white male supremacy and a commitment to maintaining racial and gender hierarchies. Drawing on wide-ranging historical and contemporary evidence, she traces how this ideology became embedded in America's institutions, from state militias to the National Rifle Association (NRA).

LAW AND IMMIGRATION

DE GRAAUW, ELS and Shannon Gleeson. *Advancing Immigrant Rights in Houston*. Philadelphia, PA: Temple University Press, 2024. Pp. viii + 117. \$14.95.

de Graauw and Gleeson examine how local and multi-level contexts shape the creation, contestation, and implementation of immigrant rights policies and practices in the city. They examine the development of the Houston, Texas immigrant affairs office, interactions between local law enforcement and federal immigration enforcement officials, local public-private partnerships around federal immigration benefits, and collaborations between labor, immigrant rights, faith, and business leaders to combat wage theft. They conclude that public-private collaborations are essential to the advancement of immigrant rights.

LAW AND NATIONAL BORDERS

LOISELLE, MARIE-EVE. *Building Walls, Constructing Identities: Legal Discourse and the Creation of National Borders*. Stanford, CA: Stanford University Press, 2024. Pp. x + 254. \$70.00 cloth.

Loiselle argues that, while discussion about the US-Mexico border wall has focused on the last few decades, US walling projects have a much longer history, dating back almost a century. She offers an account of this legal history, informed by two episodes of wall-building—the Act of August 19, 1935, and the Secure Fence Act of 2006, and argues for an account of the law that considers its material translation into space and identifies discursive processes by which the law and the wall come together to communicate legal knowledge about territory and identity.

LAW AND RACE

COLLINS, MICHAEL. *The Anti-Civil Rights Movement: Affirmative Action as Wedge and Weapon*. Lawrence, KS: University Press of Kansas, 2024. Pp. x + 366. \$39.00 cloth.

Collins argues that the work of the US “anti-civil rights movement,” led by figures such as Edward Blum and Christopher Rufo, has repeatedly found ways to split coalitions and pit marginalized groups against each other even while claiming and perhaps feeling the highest of motives. A particular focus is Blum’s work to gut the affirmative action aspect of the Voting Rights Act in *Shelby County v. Holder*, and his creation of Students for Fair Admissions, which successfully sued Harvard University for discriminating against Asian Americans.

WIECEK, WILLIAM M. *The Dark Past: The US Supreme Court and African Americans, 1800-2015*. Oxford, UK: Oxford University Press, 2024. Pp. xvi + 536. \$49.99 cloth.

Wiecek provides a historical guide to major US Supreme Court cases that affected the freedom and rights of Black Americans from 1800. A particular focus is on cases that sustained slavery, racial discrimination, segregation, racial inequality, and white preference through constitutional interpretation.

LAW AND RIGHTS OF GROUPS

ROSEN, LAWRENCE. *The Rights of Groups: Understanding Community in the Eyes of the Law*. New York: NYU Press, 2024. Pp. iv + 148. \$32.00 cloth.

Rosen argues for a more sophisticated concept of culture that can sharpen the legal approach to the legitimate rights and interests of entities that fit neither with the state nor the individual. He applies his revised theory of culture to a variety of contexts in US law, including the application of indigenous concepts of value to revise the statutes governing intellectual property, the importance to native peoples that burial remains be returned to the group, the role a community can play in the responsibilities attendant on the prudent investor rule, the cultural organization of Western states’ water resources, and the implementation of a new basis for group defamation suits.