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## RECENT PUBLICATIONS

WE'RE ALL JOURNALISTS NOW: THE TRANSFORMATION OF THE PRESS AND RESHAPING OF THE LAW IN THE INTERNET AGE. By Scott Gant. New York, N.Y.: Free Press. 2007. Pp. 240. \$26.00. The rise of so-called "citizen journalists" has raised challenging questions as to whether the traditional media deserves a privileged place in First Amendment jurisprudence. Scott Gant's accessible and persuasive new book argues that it does not. Mr. Gant sees a disconnect between the vital role that nonprofessionals play in breaking news and disseminating information and the protections and privileges they receive under federal and state law and practice. He criticizes many of the entrenched but under-the-radar preferences enjoyed by the established media, including heightened protection from Department of Justice subpoenas and access to government buildings ranging from prisons to the Supreme Court. *We're All Journalists Now* contends that policy considerations and constitutional principles — both the concept of equal protection and the individual rights enshrined in the First Amendment — mandate an expansive definition of what it means to be a journalist. Mr. Gant acknowledges but does not substantively treat some of the difficult issues that necessarily follow from this view, such as how to allocate limited privileges and resources when anyone who writes a blog can claim them. But his book offers a thought-provoking critique of whether the current allocation system is appropriate to a new era of media.

THE CASE AGAINST PERFECTION: ETHICS IN THE AGE OF GENETIC ENGINEERING. By Michael J. Sandel. Cambridge, Mass.: Harvard University Press. 2007. Pp. x, 162. \$18.95. In this short, approachable book, Professor Michael J. Sandel argues that many of the recent and prospective developments in bioengineering and biotechnology represent an impermissible disrespect for "[t]he ethic of giftedness" (p. 45). Acknowledging the blurry line between therapy and enhancement, Professor Sandel contends that society is treading on treacherous ethical territory. So-called advancements, such as cloning, sex selection, memory enhancement, and stem cell research, all require a "persisting negotiation with the given" (p. 83). Professor Sandel's ultimate advice is to change the system of perfectionism to accommodate an imperfect human race, rather than to acquiesce to a culture that promotes constant improvement. Even as he succeeds in introducing the philosophical novice to the traditional style of academic ethical debate, Professor Sandel's uncomplicated prose, sparse footnoting, and frequent use of anecdotes — including a pair of deaf mothers, a stage-frightened classical musician, and a Singaporean sterilization experiment — render this book as accessible to lay readers as to policymakers and bioethicists.

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THE FBI: A HISTORY. By Rhodri Jeffreys-Jones. New Haven, Conn.: Yale University Press. 2007. Pp. viii, 317. \$27.50. The FBI has been the subject of equal parts fascination and controversy throughout its history. Professor Rhodri Jeffreys-Jones presents a balanced account detailing the high and low points of the FBI's history, tracing its evolution in the context of the country's political and social developments. Whereas most accounts date the FBI's origin to 1908, Professor Jeffreys-Jones argues that its foundations were laid in the 1870s, when the newly formed Department of Justice began employing detectives to perform undercover work in an effort to dismantle the Ku Klux Klan. This observation becomes a lens through which Professor Jeffreys-Jones reevaluates events in the FBI's checkered history of racism. The book challenges conventional wisdom, arguing that J. Edgar Hoover's impact has been exaggerated and that the role of attorneys general has been underappreciated. The book chronicles the FBI's efforts in counterespionage, the use of its resources against political enemies, its rivalry with the CIA, and the various efforts to reform and curtail its excesses. Readers of *The FBI: A History* will appreciate Professor Jeffreys-Jones's ability to intermingle richly detailed stories with thoughtful critical assessment.

FREEDOM FOR THE THOUGHT THAT WE HATE: TALES OF THE FIRST AMENDMENT. By Anthony Lewis. New York, N.Y.: Basic Books. 2008. Pp. 205. \$25.00. Professor Anthony Lewis provides an eminently readable and succinct primer of over 450 years of history relevant to the First Amendment. His "Tales" begin in England in 1538, the year in which King Henry VIII decreed that all printed matter would require a license. Although that law was unpopular, a "seditious libel" law that criminalized publishing anything critical of state leaders was carried over to Colonial America. The newly formed United States made "seditious libel" a federal offense in 1798. Although the law was intended to prevent the import of the ideology of the Jacobin Terror in France, the new law was immediately used to silence domestic political opponents. In a conversational style, Professor Lewis shows, case by case, the advances and regressions in First Amendment rights, from the overturning of expulsions of schoolchildren who refused to salute the flag to the upholding of investigational techniques during the Red Scare. He traces how powerful dissenting opinions of Supreme Court Justices led the movement toward greater First Amendment protections. He also discusses recent challenges to First Amendment jurisprudence, including obscenity, the "reporter's privilege," and secret wiretapping. Without lapsing into didacticism, Professor Lewis provides a gentle reminder that the robust First Amendment rights we so often take for granted were, in fact, hard-won, and remain fragile still.

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REPUBLIC.COM 2.0. By Cass R. Sunstein. Princeton, N.J.: Princeton University Press. 2007. Pp. xiii, 251. \$24.95. Today, almost everything can be personalized, from iPod music to Yahoo! news headlines. So what's wrong with that? Quite a lot, warns Professor Cass Sunstein in this update to his 2001 book, *Republic.com*. Personalization is fine — until it reaches the point at which individuals limit themselves to conversations, blogs, television, and radio that only reinforce their viewpoints. Republicans watch Fox News, while Democrats watch CNN. The end result of such information fragmentation, Professor Sunstein argues, is that people become less tolerant of others' viewpoints, obtain limited information, and are less likely to reach solutions that take into account the common good. Professor Sunstein draws from statistics and a wide variety of studies to show that people adopt more extreme viewpoints when they surround themselves exclusively with like-minded people. Polarization by choice poses an insidious threat: it could strip us of the meaningful debate that a thriving republic requires. Professor Sunstein offers a variety of creative solutions, from promoting public, online "deliberative democracy" forums in which many viewpoints can be debated to requiring television and radio stations to disclose their public-interest activities.

IMPRISONING COMMUNITIES: HOW MASS INCARCERATION MAKES DISADVANTAGED NEIGHBORHOODS WORSE. By Todd R. Clear. New York, N.Y.: Oxford University Press. 2007. Pp. xv, 255. \$35.00. In this timely and compelling new book, Professor Todd Clear challenges the politically popular claim that increased incarceration decreases crime rates. Pointing out that existing sentencing studies show a relatively marginal effect on crime rates, Professor Clear presents empirical and ethnographic evidence to show that mass incarceration — of predominantly minority young men from impoverished neighborhoods — produces social problems within the communities that the prisoners leave behind, which in turn increase crime in those places. Highlighting the connection between the effects of incarceration on ex-prisoners, including decreased earning potential and increased medical and psychological problems, and the increased likelihood that the relatives of an ex-prisoner will go to prison as well, Professor Clear argues that imprisonment saps the human capital of communities, destabilizes the relationships that would otherwise provide informal social controls, and perpetuates a cycle of poverty and incarceration. Lamenting that current political debates about prison reform are unlikely to lead to solutions, *Imprisoning Communities* calls for sentencing law reform to decrease prison populations and for an emphasis on community justice — a justice system that encompasses not only concern for the correctness of individual case outcomes, but also for those outcomes' effect on the community as a whole.