Identity Capitalists
The Powerful Insiders Who Exploit Diversity to Maintain Inequality
Nancy Leong

This groundbreaking book, Nancy Leong coins the term “identity capitalist” to label the powerful insiders who derive social and economic value from people of color, women, LGBTQ people, the poor, and other outgroups. She contends that the national preoccupation with diversity has, counterintuitively, allowed identity capitalists to infiltrate the legal system, educational institutions, the workplace, and the media. Using examples from law to literature, from politics to pop culture, Leong journeys through the hidden agendas and surprising incentives of various ingroup actors. She also uncovers a dire dilemma for outgroup members: do they play along and let their identity be used by others, or do they protest and risk the wrath of the powerful? Readers will be armed with the tools to recognize and mitigate the harms of exploitation.

“...this book zeroes in on something we've all experienced but no one before has named...”
—Richard Ford, author of Universal Rights

9781503614499 Paper $30.00

248 pages, February 2021

$22.40 sale

Birthing a Movement
Midwives, Law, and the Politics of Reproductive Care
Renée Ann Cramer

Midwives in the United States live and work in a complex regulatory environment directly resulting from state and medical intervention into women’s reproductive capacity. In Birthing a Movement, Renée Ann Cramer draws on over a decade of ethnographic and archival research to examine the interactions of law, politics, and activism surrounding midwifery. Framed by gripping narratives from midwives across the country, she parses out the often-paradoxical priorities with which they must engage. By studying states where CPMs have differing legal statuses, Cramer makes the case that midwives and their clients engage in various forms of sometimes-inconsistent mobilization to facilitate access to care, autonomy in childbirth, and the articulation of women’s authority in reproduction. She offers rich insights for scholars, activists, and healthcare professionals.

“A beautifully written narrative weaving together passionate, sometimes harrowing stories from midwives, activists, and mothers.”
—Eve Danan-Smith, University of California, Irvine

9781503614499 Paper $30.00

288 pages, February 2021

$24.00 sale

Tyranny of Greed
Trump, Corruption, and the Revolution to Come
Timothy K. Kuhner

Democracy is being destroyed by an ancient evil and modernity is in denial. In Tyranny of Greed, Timothy K. Kuhner reveals the United States to be a government by and for the wealthy, with Trump—the spirit of infinite greed—at its helm. Taking readers on a tour through evolutionary biology, psychology, and biblical sources, Kuhner explores how democracy emerged from religious and revolutionary awakenings. He argues that to overcome Trump’s regime and establish real democracy, we must reconnect with that radical heritage. Our political tradition demands a revolution against corruption.

9781503614499 Paper $30.00

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Queer Alliances
How Power Shapes Political Movement Formation
Erin Mayo-Adam

Queer Alliances investigates coalition formation among LGBTQ, immigrant, and labor rights activists in the United States, revealing how these new alliances impact the inner workings of each respective political movement. Mayo-Adam examines the extent to which grassroots groups bridged historic divisions based on race, gender, class, and immigration status through the development of coalitions around LGBTQ rights in Washington State and immigrant and migrant rights in Arizona. Detailed, in-depth interviews center local, coalition-based mobilization across and within multiple movements rather than national campaigns and court cases. Mayo-Adam examines the extent to which these coalitions represent and serve intersectionally marginalized communities—groups that are often absent within contemporary accounts of social movement formation.

“...a must-read for anyone interested in twenty-first-century rights formation and the future of the LGBTQ movement.”
—Susan Burgess, Ohio University

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Skimmed
Breastfeeding, Race, and Injustice
Andrea Freeman

In 1946, Annie Mae Fultz, a Black-Cherokee woman, became the mother of America’s first surviving set of identical quadruplets. Their White doctor sold the rights to use the girls for marketing purposes to the highest-bidding formula company. The girls lived in poverty, while Pet Milk’s profits from a seventy-billion-dollar industry and Black mothers have the lowest breastfeeding rates in the country. Skimmed tells the riveting story of the Fultz quadruplets while uncovering how feeding America’s youngest citizens is awash in social, legal, and cultural inequalities.

“...this urgent book reveals the deadly consequences of a health crisis that implicates race, gender, economic, food, and reproductive justice.”
—Dorothy Roberts, author of Killing the Black Body

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Dirty Works
Obscenity on Trial in America’s First Sexual Revolution
Brett Gary
At the turn of the twentieth century, the United States was experiencing an awakening. Victorian-era morality was being challenged by the introduction of sexual modernism and women’s rights into popular culture, the arts, and science. Dirty Works focuses on a series of significant courtroom cases—all represented by Morris L. Ernst. Over the course of his remarkable career, Ernst defended well-known European and American literati and sexual activists, among them Margaret Sanger, James Joyce, and Alfred Kinsey. These cases provided courts with a powerful body of precedents that recognized women’s reproductive rights, and the legitimacy of sexual inquiry. The legacy of this important, but largely unrecognized, moment in American history must be reckoned with, as many of the issues Ernst and his colleagues defended are still under attack today.

“Well-researched and beautifully written. Gary provides a compelling account of the struggles over censorship, sex, and morality in an age of explosive change.”
—Janice Radway, Northwestern University

The Subject of Human Rights
Edited by Danielle Celermajer and Alexandre Lefebvre

The Subject of Human Rights is the first book to systematically address the “human” part of “human rights.” Drawing on the finest thinking in political theory, cultural studies, history, law, anthropology, and literary studies, this volume examines how human rights—as discourse, law, and practice—shape how we understand humanity and human beings. It asks how the humanness that the human rights idea seeks to protect and promote is experienced. It suggests ways in which we might reimagine the relationship between human rights and subjectivity with a view to benefitting human rights and subjects alike.

“A indispensable rethinking of the field of contemporary human rights studies.”
—James Loeffler, University of Virginia

A Constitution for the Living
Imagining How Five Generations of Americans Would Rewrite the Nation’s Fundamental Law
Beau Breslin

“The earth belongs...to the living, the dead have neither powers nor rights over it.” These famous words reflect Thomas Jefferson’s lifelong belief that each generation ought to write its own Constitution. According to Jefferson each generation should take an active role in endorsing, renouncing, or changing the nation’s fundamental law. History tells us that Jefferson’s voice went unheeded. But what if he had prevailed? In A Constitution for the Living, Beau Breslin reimagines American history to answer that question. By tracing the story from the 1787 Constitutional Convention up to the present, Breslin presents an engaging and insightful narrative account of historical figures and how they might have shaped their particular generation’s Constitution. This book is, above all, a call for a more engaged American public at a time when change seems close at hand, if we dare to imagine it.

“A fascinating work of counterfactual history.”
—Sanford Levinson, coauthor of Fault Lines in the Constitution

The Specter of Dictatorship
Judicial Enabling of Presidential Power
David M. Driesen

In The Specter of Dictatorship, David Driesen analyzes the chief executive’s role in the democratic decline of Hungary, Poland, and Turkey and argues that an insufficiently constrained presidency is one of the most important systemic threats to democracy. Driesen urges the U.S. to learn from the mistakes of these failing democracies. Their experiences suggest, Driesen shows, that the Court must eschew its reliance on and expansion of the “unitary executive theory” recently endorsed by the Court and apply a less deferential approach to presidential authority, invited to protect national security and combat emergencies, than it has in recent years. Ultimately, Driesen argues that concern about loss of democracy should play a major role in the Court’s jurisprudence, because loss of democracy can prove irreversible. As autocracy spreads throughout the world, maintaining our democracy has become an urgent matter.

“A book for our troubled times.”
—Richard Albert, author of Living the Secular Life

Our Non-Christian Nation
How Atheists, Satanists, Pagans, and Others Are Demanding Their Rightful Place in Public Life
Jay Wexler

Non-Christians have increasingly been demanding their full participation in public life, bringing their arguments all the way to the Supreme Court. Wexler travels the country to engage non-Christians who have called on us to maintain our ideals of inclusivity and diversity. With his characteristic sympathy and humor, Wexler introduces us to these determined champions of free religious expression, and shows how anyone who cares about pluralism, equality, and fairness must support a public square filled with a variety of religious and non-religious voices. The stakes are nothing short of long-term social peace.

“Timely, trenchant, and tremendously engaging. Our Non-Christian Nation is essential reading for anyone interested in understanding the contemporary battles over religion’s role in our national politics and culture.”
—Phil Zuckerman, author of Living the Secular Life

The Cult of the Constitution
Mary Anne Franks
Winner of the 2020 PROSE Award in Legal Studies, sponsored by the Association of American Publishers

The Cult of the Constitution reveals how deep fundamentalist strains in both conservative and liberal American thought keep the Constitution in the service of white male supremacy. Franks shows that as religious fundamentalists read their sacred scriptures, constitutional fundamentalists read the Constitution selectively and self-servingly. The worship of guns, speech, and the Internet in the name of the Constitution has blurred the boundaries between conduct and speech and between veneration and violence. The Cult of the Constitution lays bare the dark, antidemocratic consequences of constitutional fundamentalism and urges readers to take the Constitution seriously, not selectively.

“Uncompromisingly critical, Franks challenges both liberal and conservative views of the Bill of Rights in the name of equality—agree or disagree with Franks’s conclusions, her arguments require attention.”
—Rebecca Tushnet, Harvard Law School

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today, the concept of “the refugee” is distinct from other migrants. Immigration laws have evolved to reinforce a dichotomy between those viewed as voluntary, often economically motivated, migrants who can be legitimately excluded by potential host states, and those viewed as forced, often politically motivated, refugees who should be let in. In

Crossing

Rebecca Hamlin

Today, the concept of “the refugee” is distinct from other migrants. Immigration laws have evolved to reinforce a dichotomy between those viewed as voluntary, often economically motivated, migrants who can be legitimately excluded by potential host states, and those viewed as forced, often politically motivated, refugees who should be let in. In Crossing, Rebecca Hamlin argues against advocacy positions that cling to this distinction. Drawing on cases of various “border crises” across Europe, North America, South America, and the Middle East, Hamlin outlines major inconsistencies and faulty assumptions on which the binary relies. The migrant/refugee binary is not just an innocuous shorthand. It translates to family-level protections. In Crossing, Hamlin offers a comprehensive, critical look at US family reunification law and its consequences as experienced by 56 mixed-citizenship American couples. These couples’ stories—of integration and alienation, of opportunity and inequality, of hope and despair—make tangible the consequences of current US immigration laws that tend to favor Whiteness, wealth, and heteronormativity, as well as the individual rather than the family unit, in awarding membership and official belonging.

Unauthorized Love

Jane López

For mixed-citizenship couples, getting married is the easy part. The US Supreme Court has confirmed the universal civil right to marry; guaranteeing every couple’s ability to wed. But the Supreme Court has denied that this right to marriage includes married couples’ right to life, liberty, and the pursuit of happiness on US soil, creating a challenge for mixed-citizenship couples whose individual-level rights do not translate to family-level protections. In Unauthorized Love, Jane López offers a comprehensive, critical look at US family reunification law and its consequences as experienced by 56 mixed-citizenship American couples. These couples’ stories—of integration and alienation, of opportunity and inequality, of hope and despair—make tangible the consequences of current US immigration laws that tend to favor Whiteness, wealth, and heteronormativity, as well as the individual rather than the family unit, in awarding membership and official belonging.

Pursuing Citizenship in the Enforced Era

Ming Hsu Chen

Pursuing Citizenship in the Enforced Era examines the everyday experiences of immigrants trying to integrate into American society when immigration policy is focused on enforcement and exclusion. The book explores how everyone who is not a citizen is an alien, but Ming Hsu Chen argues that the citizen/alien binary should be reframed as a spectrum of citizenship, emphasizing continuities between the otherwise distinct experiences of membership and belonging for immigrants seeking citizenship. Drawing on the stories of citizenship with empirical data on integration and analysis of contemporary policy, Chen argues that formal citizenship matters more than ever during times of enforcement and that constructing pathways to citizenship can enhance both formal and substantive equality of immigrants.

Migranthood

Lauren Heidbrink

Migranthood chronicles deportations from the perspectives of Indigenous youth who migrate unaccompanied from Guatemala to Mexico and the US. In communities of origin, zones of transit in Mexico, detention centers in the US, and government facilities receiving returned children in Guatemala, and communities of return, young people share how they negotiate everyday violence and discrimination, how they and their families prioritize limited resources and make difficult decisions, and how young people develop and sustain relationships over time and space. Lauren Heidbrink uncovers the transnational effects of the securitized responses to migration management and development on individuals and families, across space, citizenship status, and generation.

As much critique as corrective vision, Ming Chen’s powerful book brings us revelatory conversations with immigrants seeking to become citizens.”

—Ian F. Haney López, University of California, Berkeley

232 pages, August 2020
9781503627871 Paper $29.95 $22.40 sale

240 pages, April 2020
9781503627871 Paper $25.00 $20.00 sale

216 pages, June 2020
9781503624889 Paper $26.00 $20.80 sale

Court of Injustice

J.C. Salyer

Court of Injustice reveals how immigration lawyers work to achieve just results for their clients in a system that has long denigrated the rights of those they serve. J.C. Salyer’s ethnography specifically investigates immigration enforcement in New York City, following individual migrants, their lawyers, and the NGOs that serve them into the immigration courtrooms that decide their cases. Combining anthropological and legal analysis, Salyer demonstrates the economic, historical, political, and social elements that go into constructing inequality under law for millions of non-citizens who live and work in the US. Salyer provides a new perspective to the study of migration by focusing specifically on the laws, courts, and people involved in US immigration law.

“This book is a unique, essential, urgent read for anyone who cares about immigration and migrants today.”

—Victoria Sanford, City College of New York

180 pages, September 2020
9781503613430 Paper $19.00 $11.20 sale

Women as War Criminals

Izabela Steflja and Jessica Trisko Darden

Women war criminals are far more common than we think. From the Holocaust to ethnic cleansing in the Balkans to the Rwandan genocide, women have perpetrated heinous crimes. Few have been punished. These women’s very existence goes against our assumptions about war and about women as peaceful and innocent, and these biases in turn prevent postconflict justice systems from assigning women blame. Women as War Criminals argues that women are just as capable as men of committing war crimes and crimes against humanity. And women are uniquely adept at using gender instrumentally to fight for better conditions and reduced sentences when war ends. The book presents the postconflict legal cases of four women—the President (Biljana Plavšić), the Minister (Pauline Nyriramasuhuko), the Soldier (Lynnndie England), and the Student (Hoda Muthana)—whose identity influenced their treatment by legal systems.

Justice, Steflja and Trisko Darden show, is not blind to gender.
Understanding of the promises and a politic of inequality. Rollins warns of the potentially devastating effects of final, violent behavior. Rollins believes a dangerous continuity between the way these categories are imagined to avoid the pitfalls of the past. Logical and social, stance that allows their regulation, Thusi exposes the limitations of dominant feminist discourses about sex work. Therefore, this program has endured because of, and not despite, horrific abuse. Yet, this program has its notorious legacy. Today's scientists nurture, bio-, and society, bio-, and as extreme precarity in which the security police officers provide can be offered and taken away at a moment's notice. Sex work straddles the line between formal and informal. Attitudes about beauty and subjective value are manifest in informal tasks, including considerations of “right,” Rubin argues that rigorous research can be dismissed in deference to traditional scientific methods. Recognizing the steep challenges facing many, especially junior, social science scholars who struggle to adapt their research models to narrowly defined notions of “right,” Rubin argues that proper nourishment qualitative research can generate important, creative, and even paradigm-shifting insights. This book is designed to help people conduct good qualitative research, talk about their research, and evaluate other scholars’ work. Ultimately, this book argues that rigorous research can be anything but rigid.
Copy This Book!
What Data Tells Us about Copyright and the Public Good
Paul J. Heald
In Copy This Book!, Paul J. Heald draws on a vast knowledge of copyright scholarship and a deep sense of irony to explain what’s gone wrong with copyright in the twenty-first century. Discussing extensive empirical data to clearly show the implications of copyright laws and doctrine for public welfare, he illustrates his findings with lighthearted references to familiar (and obscure) works and their creators. Among the questions he tackles: How does copyright deter composers from writing new songs? Why are so many famous photographs unprotected orphans, and how does Getty Images get away with licensing them? What can the use of music in movies tell us about the proper length of the copyright term? How do publishers get away with claiming rights in public domain works and extracting unmerited royalties from their use?

This book is so engaging and sensible. I can’t put it down. “

“This book is a compelling call for inclusiveness and a powerful exhortation for globality to transcend post-coloniality.”

— Richard Falk

Digital Pirates
Policing Intellectual Property in Brazil
Alexander Sebastian Dent
Digital Pirates examines the unauthorized creation, distribution, and consumption of movies and music in Brazil. Alexander Sebastian Dent offers a new definition of piracy as indispensable to current capitalism alongside increasing global enforcement of intellectual property (IP). Complex and capricious laws may prohibit it, but piracy has become a core activity of the twenty-first century. Combining the tools of linguistic and cultural anthropology with models from media studies and political economy, Digital Pirates reveals how the dynamics of IP and piracy serve as strategies for managing the gaps between texts—in this case, digital content.

“Dent moves fluidly between theoretical and empirical registers to weave a rich account of lived experience in Brazil that illuminates global cultural change.”

— Joe Karaganis, Columbia University

#HumanRights
The Technologies and Politics of Justice Claims in Practice
Ronald Niezen
#HumanRights examines how new technologies interact with older models of rights claiming and communication, influencing and reshaping the modern-day pursuit of justice.

Ronald Niezen argues that the impacts of information technologies on human rights are not found in an exclusive focus on sophisticated data management, but in considering how these technologies interact with other, “traditional” forms of media to produce new avenues of expression, public sympathy, redress of grievances, and sources of the self. #HumanRights paints a striking panoramic picture of the contest between authoritarianism and the new tools people use to bring the powerful to account.

“A critical issue, and book, worthy of very close attention.”

— John and Jean Comaroff, Harvard University

Stanford Studies in Human Rights
380 pages, July 2020
9781503612631 Paper $28.00

A History of False Hope
Investigative Commissions in Palestine
Lori Allen
This book offers a provocative retelling of Palestinian political history through an examination of the international commissions that have investigated political violence and human rights violations. Drawing on debates in the press, previously unexamined UN reports, historical archives, and ethnographic research, Allen explores six key investigative commissions over the last century. She highlights how Palestinians’ persistent demands for independence have been routinely translated into the numb language of reports and resolutions. These commissions, Allen argues, operating as technologies of liberal global governance, yield no justice—only the oppressive status quo. A History of False Hope issues a biting critique of the capturing allure and cold impotence of international law.

"Allen has produced a fascinating, engaging, and innovative scholarly assessment of how international commissions have failed to deliver political results to the Palestinian people." — Richard Falk

412 pages, December 2020
9781503612815 Paper $26.00

Imaging the International Crime, Justice, and the Promise of Community
Nesam McMillan
Imaging the International interrogates mainstream understandings of international crime and international justice to tease out their ethical limits and possibilities. Through an analysis of archival and contemporary data, the book provides a sustained picture of how ideas about international crime and justice are given content and the global interrelations they enable and foreclose. Nesam McMillan argues that dominant approaches to conceptualizing distinctly international crime and international justice are problematic because they disconnect these phenomena from the everyday, fostering distance between those who have experienced international crime and those who have not. This book powerfully underscores the importance of the ideas of international crime and justice and their significant limits, cautioning against their continued valorization.

“This book is a compelling call for inclusiveness and a powerful exhortation for globality to transcend post-coloniality.”

— Mark A. Drumbl, Washington and Lee University

The Cultural Lives of Law
224 pages, September 2020
9781503612815 Paper $26.00

The Legacy of Pluralism
The Continental Jurisprudence of Santi Romano, Carl Schmitt, and Costantino Mortati
Mariano Croce and Marco Goldoni
How should the state face the challenge of radical pluralism? How can constitutional orders be changed when they prove unable to regulate society? Santi Romano, Carl Schmitt, and Costantino Mortati, the leading figures of Continental legal institutionalism, provided three responses that deserve our full attention today. Mariano Croce and Marco Goldoni introduce and analyze these three towering figures for a modern audience. The Legacy of Pluralism explores the convergences and divergences of these important jurists to take stock of their ground-breaking analyses of the origin of the legal order and to show how they can help us cope with the current crisis of national constitutional systems.

"An indispensable book."

— John P. McCormick, University of Chicago

Jurists: Properties in Legal Theory
264 pages, August 2020
9781503612112 Cloth $70.00

The Legacy of Antiquity
The Classical Jurisprudence of Gaius, Justinian, and Jordanus
The Continental Jurisprudence of Santi Romano, Carl Schmitt, and Costantino Mortati
Mariano Croce and Marco Goldoni
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