



Keeping Up with New Legal Titles

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Franklin L. Runge, *Keeping Up with New Legal Titles*, 112 LAW LIBR. J. 357 (2020) (reviewing Alec Karakatsanis, *USUAL CRUELTY: THE COMPLICITY OF LAWYERS IN THE CRIMINAL INJUSTICE SYSTEM* (2019)).

Karakatsanis, Alec. *Usual Cruelty: The Complicity of Lawyers in the Criminal Injustice System*. New York: New Press, 2019. 240p. \$24.99.

*Reviewed by Franklin L. Runge**

¶52 As a thought experiment, let us imagine that 20 years ago you attended an academic conference. At the opening reception, while you visited with colleagues from other institutions, picked at heavy appetizers, and tried to balance your wine glass, you were introduced to an unassuming scholar. After initial introductions, imagine that this scholar said, “I am writing a book about the criminal justice system.” In 2000, if you heard that statement, you could imagine a variety of conclusions for that book. Now, move this thought experiment to 2020. If you hear that a scholar is writing about the criminal justice system, your head and your gut tell you that there is but one conclusion: the criminal justice system in the United States of America is irretrievably broken. What does it mean that this knowledge is deeply embedded in your thought process, yet every hour government agents commit brutal acts in American communities in the name of justice?

¶53 Alec Karakatsanis’s new book, *Usual Cruelty: The Complicity of Lawyers in the Criminal Injustice System*, is a collection of three essays, and it conforms to the thesis that we all inherently know. What makes this book stand out alongside the numerous new titles pointing to the cruelty and racism of our criminal injustice system? Four elements of this book make it a worthy acquisition: (1) its use of language to describe the criminal injustice system, (2) its focus on the commonplace brutality certain communities experience, (3) the author’s dichotomous argument about the macro-generation and micro-execution of criminal laws, and (4) its value for law students, particularly the thoughtful and creative second essay.

¶54 I tend to favor authors who use common English words in new or unexpected ways, such as Toni Morrison. While Karakatsanis is no Morrison, I thoroughly appreciate his wordsmithing. Language matters in how we frame and solve large societal problems. Karakatsanis explicitly aims to “employ the language of life against the language of bureaucracy” (p.11). The book is rife with examples of how we use language to normalize cruelty and applies rhetorical tools to escape that trap. Instead of prisons or jails, the author discusses “mass human caging.” In describing the criminal injustice system, he uses the phrase “punishment bureaucracy,” and its actors (i.e., prosecutors and police officers) are “punishment bureaucrats.”

¶55 Our society’s stark contrast in political, social, and economic power has made it easy for the “haves” to ignore marginalized communities and the brutality perpetrated by state actors on those communities. Karakatsanis thoroughly presents (and documents in endnotes) numerous instances that will shock the reader’s conscience. We all know that Ferguson, Missouri, has struggled in administering justice, but I was left slack-jawed at the details, including the case of a disabled man arrested without a warrant for failing to have an occupancy permit for guests to visit his home (p.6). The jails in Ferguson are a never-ending conveyor belt of misery: the city averaged “3.6 arrest warrants *per household*” arising out of low-level municipal ordinance violations (p.59, emphasis in original). The brutality of putting marginalized populations in filthy cages because of their inability to pay fines is appar-

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ent, but Karakatsanis furthers his argument by providing details of serious crimes that go unpunished because the criminal actors have access to socioeconomic power (pp.49–57).

¶56 The book's most compelling jurisprudential argument focuses on what Karakatsanis calls the "central paradox of American criminal law," the juxtaposition of the following principles: "in order to put a person in prison, we have to prove by overwhelming evidence that she merits punishment in a narrow factual sense; but in order to put millions of people in prison, we just need to show that doing so would do any good" (p. 33). I have been in legal academia or practicing law for 17 years, and I had never thought about the criminal law in those terms. Of course, I am aware of the "beyond a reasonable doubt" standard for returning a guilty verdict. That said, I had never compared that standard to the "rational basis" test for determining the constitutionality of criminal statutes. Karakatsanis excels at explaining and providing examples of illogical statutes that imprison countless citizens. These statutes (some of them tinged with racist underpinnings) would be stricken from code books if only our courts applied a heightened form of scrutiny.

¶57 As someone who conducts collection development for an academic law library, I appreciated that the second essay in this book ("The Human Lawyer") is focused on law students and their journey to becoming better lawyers and citizens. This piece would serve as a great conversation starter during student orientation, a professional responsibility class, or a faculty/student reading group. *Usual Cruelty: The Complicity of Lawyers in the Criminal Injustice System* is a call to action deserving of a place in any law library's collection.

Kroski, Ellyssa, ed. *Law Librarianship in the Age of AI*. Chicago: ALA Editions, 2020. 209p. \$66.99.

*Reviewed by Nam Jin Yoon**

¶58 *Law Librarianship in the Age of AI* is an ambitious collection: the title confidently predicts that artificial intelligence (AI) will define the current epoch. The book's contributors face a daunting task—to say something meaningful about a rapidly growing technology that, as noted in the first chapter, already has such a wide range of uses and forms that it is difficult to pinpoint even a working definition. If the contributors focus solely on specific AI applications in law librarianship, they risk their words becoming obsolete mere months after publication. Go too far in the other direction, by speaking in generalities, and they risk losing their audience to the very abstractions they seek to explain.

¶59 Lucky for us, our intrepid contributors do not shirk from this double-edged challenge. In "AI Defined," Casandra Laskowski kicks things off with a practical definition of AI ("a machine behaving in ways thought to be intelligent if a human were so behaving") and a brief overview of its core structures and concepts. In "What Machine Learning Can Tell Us About Shakespeare," Erik Adams uses the case study method, illustrating how machine learning can aid (and hinder) our understanding of Shakespeare's plays. In Heidi Heller's "Types of AI Tools in Law"

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