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Book Review

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Scott Christianson, *With Liberty for Some: 500 Years of Imprisonment in America*, Boston: Northeastern University Press, 1998. Pp. xv + 394. \$35.00 (ISBN 1-55553-364-7).

This ambitious book impressively chronicles forms of imprisonment in American history from Columbus's crossing in 1492, with at least four convicts among his crew, to the rise five hundred years later of a "prison-industrial complex," which employs over half a million people and incarcerates more than one million others. According to Christianson, a former investigative reporter and gubernatorial aide who is now contributing editor of *The Criminal Law Bulletin*, director of the New York Death Penalty Documentation Project, and chairman of the Board of the Safer Society Foundation, *With Liberty for Some* "is a history of how we got to where we are" (xiii). That journey, eloquently narrated by Christianson, demonstrates how central imprisonment has been to the American experience.

The sheer breadth of this fascinating book is its greatest strength. Although Christianson uses historical inquiry to make sense of the contemporary prison crisis, especially why "a country that prides itself as being the citadel of individual liberty . . . imprisons more persons per capita than any other nation in the world with the possible exception of Russia" (ix), he has not written a narrowly conceived history of prisons, but instead a wide-ranging investigation of imprisonment. This broader focus allows him to explore types of imprisonment before the rise of the prison in the nineteenth century as its primary form and to demonstrate similarities among many other kinds of imprisonment, including chattel and penal slavery. The analysis of chattel slavery as a type of imprisonment also helps to elucidate the relationship between that peculiar institution and subsequent practices of racialized justice, including convict leasing, which scholars such as David Oshinsky in *Worse Than Slavery* (1996), have also recently explored.

Christianson also continues the social historical practice of placing the imprisoned back into the history of imprisonment. *With Liberty for Some*, which is a history of those without liberty, includes many moving first-hand accounts of Americans "doing time," whether on the Middle Passage, in Andersonville, or at Sing Sing. By demonstrating that many notable Americans have been imprisoned, including Robert Morris, "the financier of the American Revolution," and Andrew Jackson, the nation's iconic seventh president, Christianson pushes the study of imprisonment beyond the sociological model of analyzing deviancy as a way to understand normality. The history of imprisonment, viewed from his inclusive perspective, becomes the history of America, or as Malcolm X declared: "That's what America means: prison" (248).

This book's broad coverage makes it a valuable reference work for any legal scholar's library, much like *The Oxford History of the Prison* (1995), but at the same time its grand narrative is problematic. A modern conception of individualism and individual rights, for instance, informs this book and provides much of its moral force. The imprisoned people in this book are largely sympathetic characters because they were denied control over their own bodies and lives. They were not free to make choices. Yet, many of these people lived before the rapid rise in the nineteenth century of possessive individualism and the general acceptance in the twentieth century of this belief that an individual owns his or her "self."

The consequence of Christianson's use of a modern lens to view people who lived before the invention of modern individualism is that he makes almost everyone in early America appear imprisoned. For example, in the chapter, "A Land of Prisoners and Keepers," Christianson writes: "for although historians have seldom considered them as such, colonial American servants were, after all, prisoners. Held in captivity, under forcible restraint if necessary, indentured servants were treated as inferiors and faced severe punishment if they resisted authority" (44). The same definition of prisoners could also be applied to most women and children in the colonial period and beyond. More attention to how the ascendancy of possessive individualism helped to discredit some types of imprisonment, such as chattel slavery, while it legitimated others, such as penal incarceration, would help to explain the historical relationships among forms of humanitarianism and types of imprisonment.

With Liberty for Some should serve the readers of the *Law and the History Review* as an inviting narrative of the history of imprisonment; as an entrée into the more specialized literatures on slavery, criminal justice, and corrections; and as a cautionary tale about the devastating social costs of prisons. The final chapter on the current state of "the prison-industrial complex," including the intergenerational impact of imprisoning so many, raises troubling questions, including who benefits from the prison business and at what cost. Christianson's analysis of the return of American prison labor, including the production of profitable casual wear lines like the "Prison Blues," and the spread of the privatization movement, are disturbing trends. As he acknowledges, however, until the prevailing public assumption that prisons are absolutely necessary to control crime changes, the boom in the prison industry will continue.

In an intriguing sentence near the book's end, Christianson implies that the prevailing public assumptions about the necessity of prisons may change: "for most Americans, life without prisons is inconceivable, just as the abolition of slavery was considered out of the question two centuries ago" (296). Perhaps the use of the prison as the primary instrument of imprisonment will be considered morally wrong and the use of human cages will be replaced in the future. That future, however, is not yet foreseeable.

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Rosemary J. Coombe, *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law*, Durham: Duke University Press, 1998. Pp. xi + 462. Price \$59.95 cloth; \$18.95 paper (ISBN 0-8223-2103-3; 0-8223-2119-x).

During the past decade, Rosemary J. Coombe has provided legal scholars, historians, anthropologists, and policy specialists with over a dozen provocative articles on the complex relationships among law, property, and culture (405). In *The Cultural Life of Intellectual Properties*, Coombe offers her first book-length analysis of the meanings of intellectual property in culture and society. Her study is based on the assumption that intellectual property laws provide fertile ground for