

# Michigan Law Review

---

Volume 119 | Issue 6

---

2021

## Front Matter

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>

---

### Recommended Citation

Michigan Law Review, *Front Matter*, 119 MICH. L. REV. i (2021).  
Available at: <https://repository.law.umich.edu/mlr/vol119/iss6/1>

This Front Matter is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact [mlaw.repository@umich.edu](mailto:mlaw.repository@umich.edu).

# MICHIGAN LAW REVIEW

---

Vol. 119, No. 6

April 2021

## 2021 SURVEY OF BOOKS RELATED TO THE LAW

### CONTENTS

#### FOREWORD

WILL LEGAL EDUCATION

CHANGE POST-2020? . . . . . *Heather K. Gerken* 1059

#### CLASSIC REVISITED

PRIDE AND PREDATORS. . . . . *Heidi Bond* 1069

#### REVIEWS

A DIFFERENT TYPE OF PROPERTY:

WHITE WOMEN AND THE

HUMAN PROPERTY THEY KEPT . . . . . *Michele Goodwin* 1081

THE LIMITS OF DELIBERATION

ABOUT THE PUBLIC'S VALUES . . . . . *Mark Seidenfeld* 1111

THE RULE OF FIVE GUYS . . . . . *Lisa Heinzerling* 1137

RACIAL REVISIONISM . . . . . *Shaun Ossei-Owusu* 1165

PREGNANCY AND THE

CARCERAL STATE. . . . . *Khiara M. Bridges* 1187

THE MARKET CANNOT

BE YOUR MOTHER . . . . . *Meghan Boone* 1207

A PERFECTLY EMPTY GIFT. . . . . *Christina D. Ponsa-Kraus* 1223

TWO VISIONS OF CONTRACT . . . . . *Hanoch Dagan* 1247

COMPENSATION, COMMODIFICATION, AND DISABLEMENT: HOW LAW HAS DEHUMANIZED LABORING BODIES AND EXCLUDED NONLABORING HUMANS. . . . .	<i>Karen M. Tani</i>	1269
TORT LAW AND CIVIL RECOURSE . . . . .	<i>Mark A. Geistfeld</i>	1289
RESTORATIVE FEDERAL CRIMINAL PROCEDURE . . . . .	<i>Leo T. Sorokin &amp; Jeffrey S. Stein</i>	1315
THE “INNOCENCE” OF BIAS . . . . .	<i>Osamudia James</i>	1345
CAN PROSECUTORS END MASS INCARCERATION? . . . . .	<i>Rachel E. Barkow</i>	1365
NATURAL LANGUAGE PROCESSING FOR LAWYERS AND JUDGES. . . . .	<i>Frank Fagan</i>	1399

### BOOK NOTICE

THE GEOPOLITICS OF AMERICAN POLICING. . . . .	<i>Andrew Lanham</i>	1411
--	----------------------	------

---

Except where otherwise expressly provided, the author of each Article, Essay, and Note in this issue has granted permission for copies of that Article, Essay, or Note to be made for educational use, provided that (i) copies are distributed at or below cost; (ii) copies identify the author, the *Michigan Law Review*, the volume, the number of the first page, and the year of the publication; and (iii) proper notice of copyright is affixed to each copy, attributing copyright to the author.

*Michigan Law Review* (ISSN 0026-2234) is published in October, November, December, February, March, April, May, and June. Subscriptions: United States, \$60 per year in advance, eight numbers; Foreign, \$70. Editorial and Business Offices: University of Michigan Law Library, 801 Monroe St., Ann Arbor, Michigan 48109-1210; MLR-business@umich.edu (Business); 734/647-5817 (Fax). Website: <http://www.michiganlawreview.org>. Periodicals postage paid at Ann Arbor, Michigan and additional mailing offices. POSTMASTER: send address changes to University of Michigan Law Library, 801 Monroe St., Ann Arbor, Michigan 48109-1210.

Printed by Sheridan, Hanover, PA 17331.

Recent Volumes: Single Issues \$10, Book Review \$16, and Special Issues \$12, postpaid, at Editorial and Business Offices.

Volumes 1 through 118, as well as single issues in those volumes, are available in print and microform from William S. Hein & Co., Inc., 2350 North Forest Road, Getzville, New York 14068.

Because back stock of the *Review* is turned over to a dealer, back numbers are available to the *Review* for a short time only. We must therefore ask that subscribers report the nonreceipt of copies within six months of the mailing date.

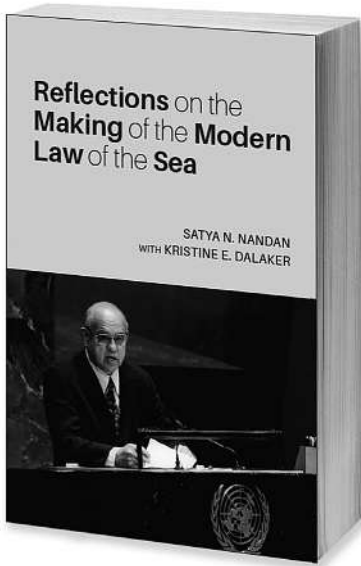
We gladly consider unsolicited manuscripts for publication via Scholastica. Citations in manuscripts should follow the form prescribed in *The Bluebook: A Uniform System of Citation* (21st ed. 2020) and *The Chicago Manual of Style* (17th ed. 2017). Please see our website for submission instructions.



NEW FROM THE  
NATIONAL UNIVERSITY OF SINGAPORE PRESS

# Reflections on the Making of the Modern Law of the Sea

SATYA N. NANDAN  
WITH KRISTINE E. DALAKER



The United Nations Convention on the Law of the Sea is one of the most successful agreements ever created to govern the global commons. Satya Nandan is one of the key personalities behind both the agreement and the subsequent development of Law of the Sea in the decades since the convention was adopted. He led the drafting of the key negotiating text, most of which made its way, unaltered, into the Convention's final text.

This book tells the story of how Nandan used his creativity, pragmatism, and ability with languages to reach compromise and build consensus at nearly every stage in the making of the modern law of the sea.

**Paper \$32.00**

---

Distributed by the University of Chicago Press [www.press.uchicago.edu](http://www.press.uchicago.edu)

The editors of the *Michigan Law Review*  
are pleased to announce

2022 SURVEY OF BOOKS  
RELATING TO THE LAW  
published April 2022

The 2022 Survey presents reviews of law-related  
books published in 2019, 2020, and 2021.

Please address inquiries to:

Michigan Law Review  
University of Michigan Law School  
Attn: Book Review Editors  
625 S. State St.  
Ann Arbor, MI 48109-1215

Visit our website at  
[www.michiganlawreview.org](http://www.michiganlawreview.org).

# UNIVERSITY OF MICHIGAN LAW SCHOOL

## *Administrative Officers*

Mark Schlissel, B.A., M.D., Ph.D., *President of the University*  
Susan M. Collins, B.A., Ph.D., *Provost and Executive Vice President for Academic Affairs*  
Mark D. West, B.A., J.D., *Nippon Life Professor of Law, Dean*  
Debra Chopp, B.A., J.D., *Clinical Professor of Law, Associate Dean for Experiential Education*  
Monica Hakimi, B.A., J.D., *James V. Campbell Professor of Law, Associate Dean for Faculty and Research*  
Gil Seinfeld, A.B., J.D., *Robert A. Sullivan Professor of Law, Associate Dean for Academic Programming*  
Kimberly L. D'Haene, B.A., J.D., *Assistant Dean for Student Services*  
Michael Dubin, B.S., M.A., *Assistant Dean for Development and Alumni Relations*  
Theresa Kaiser-Jarvis, B.A., B.S.J., Ed.M, J.D., *Assistant Dean for International Affairs*  
Ramji Kaul, B.A., J.D., *Assistant Dean for Career Planning*  
Lindsey Stetson, B.A., J.D., *Assistant Dean for Student Life*  
Sarah C. Zearfoss, B.A., J.D., *Senior Assistant Dean for Admissions, Financial Aid, and Career Planning*

## *Professors Emeriti of Law*

David L. Chambers, A.B., LL.B.,  
*Wade H. McCree, Jr. Collegiate Professor of Law*  
Edward H. Cooper, A.B., LL.B.,  
*Thomas M. Cooley Professor of Law*  
Donald N. Duquette, B.A., J.D.,  
*Clinical Professor of Law*  
Phoebe C. Ellsworth, A.B., Ph.D.,  
*Frank Murphy Distinguished Professor of Law and Psychology*  
Philip M. Frost, B.A., J.D.,  
*Clinical Professor of Law*  
Thomas A. Green, B.A., Ph.D., J.D.,  
*John Philip Dawson Collegiate Professor of Law*  
Samuel R. Gross, A.B., J.D.,  
*Thomas G. and Mabel Long Professor of Law*  
Jerold H. Israel, B.B.A., LL.B.,  
*Alene and Allan F. Smith Professor of Law*  
Douglas A. Kahn, B.A., J.D.,  
*Paul G. Kauper Professor of Law*  
Yale Kamisar, A.B., LL.B., LL.D.,  
*Clarence Darrow Distinguished University Professor of Law*  
Thomas E. Kauper, A.B., J.D.,  
*Henry M. Butzel Professor of Law*  
James E. Krier, B.S., J.D.,  
*Earl Warren DeLano Professor of Law*  
Richard O. Lempert, A.B., J.D., Ph.D.,  
*Eric Stein Distinguished University Professor of Law and Sociology*  
Sallyanne Payton, B.A., LL.B.,  
*William W. Cook Professor of Law*  
Margaret Jane Radin, A.B., M.F.A., J.D., LL.D.,  
*Henry King Ransom Professor of Law*  
Nicholas J. Rine, B.A., J.D.,  
*Clinical Professor of Law*  
Terrance Sandalow, A.B., J.D.,  
*Edson R. Sunderland Professor of Law*  
Suellen Scamecchia, B.A., J.D.,  
*Clinical Professor of Law*  
E. Philip Soper, B.A., M.A., J.D., Ph.D.,  
*James V. Campbell Professor of Law*  
Theodore J. St. Antoine, A.B., J.D.,  
*James E. and Sarah A. Degan Professor of Law*  
Joseph Vining, B.A., M.A., J.D.,  
*Harry Burns Hutchins Collegiate Professor of Law*  
Lawrence W. Waggoner, B.B.A., J.D., D.Phil.,  
*Lewis M. Simes Professor of Law*  
Peter K. Westen, B.A., J.D.,  
*Frank G. Millard Professor of Law*  
James Boyd White, A.B., A.M., LL.B.,  
*L. Hart Wright Collegiate Professor of Law*  
James J. White, B.A., J.D.,  
*Robert A. Sullivan Professor of Law*

## *Professors of Law*

Kate Andrias, B.A., J.D.  
Reuven S. Avi-Yonah, B.A., A.M., Ph.D., J.D.,  
*Irwin I. Cohn Professor of Law*  
Samuel Bagenstos, B.A., J.D.,  
*Frank G. Millard Professor of Law*  
Nicholas Bagley, B.A., J.D.  
Michael S. Barr, B.A., M.Phil., J.D.,  
*Roy F. and Jean Humphrey Proffitt Professor of Law*  
Laura N. Beny, B.A., M.A., J.D., Ph.D.  
Evan H. Caminker, B.A., J.D.,  
*Branch Rickey Collegiate Professor of Law*  
Albert Choi, B.A., J.D., Ph.D.  
Sherman J. Clark, B.S., J.D.,  
*Kirkland and Ellis Professor of Law*  
Nicolas Cornell, A.B, Ph.D., J.D.  
Daniel Crane, B.A., J.D.,  
*Frederick Paul Furth, Sr. Professor of Law*  
Steven P. Croley, A.B., J.D., M.A., Ph.D.,  
*Harry Burns Hutchins Collegiate Professor of Law*  
Kristina Daugirdas, A.B., J.D.  
Alicia Davis, B.S., M.B.A., J.D.  
Rebecca S. Eisenberg, B.A., J.D.,  
*Robert and Barbara Luciano Professor of Law*  
Richard D. Friedman, B.A., J.D., D.Phil.,  
*Alene and Allan F. Smith Professor of Law*  
Bruce W. Frier, B.A., Ph.D.,  
*John and Teresa D'Arms Distinguished University Professor of Classics and Roman Law*  
Daniel Halberstam, B.A., J.D., *Eric Stein Collegiate Professor of Law*  
James C. Hathaway, LL.B., LL.M., J.S.D.,  
*James E. and Sarah A. Degan Professor of Law*  
Scott Hershovitz, A.B., M.A., D.Phil., J.D.  
Donald J. Herzog, A.B., A.M., Ph.D.,  
*Edson R. Sunderland Professor of Law*  
James Hines Jr., B.A., M.A., Ph.D.,  
*L. Hart Wright Collegiate Professor of Law*  
Nicholas C. Howson, B.A., J.D.  
Ellen D. Katz, B.A., J.D.,  
*Ralph W. Aigler Professor of Law*  
Vikramaditya S. Khanna, B.C.A., LL.B., S.J.D.,  
*William W. Cook Professor of Law*  
Jessica D. Litman, B.A., M.F.A., J.D.,  
*John F. Nickoll Professor of Law*  
Kyle D. Logue, B.A., J.D.,  
*Wade H. and Dores M. McCree Collegiate Professor of Law*

Catharine A. MacKinnon, B.A., J.D., Ph.D.,  
*Elizabeth A. Long Professor of Law*  
Nina A. Mendelson, A.B., J.D.  
*Joseph L. Sax Collegiate Professor of Law*  
Gabriel Mendlow, A.B., Ph.D., J.D.  
William I. Miller, B.A., Ph.D., J.D.,  
*Thomas G. Long Professor of Law*  
Julian Davis Mortenson, A.B., J.D.  
William Novak, B.A., M.A., Ph.D.  
*Charles F. and Edith J. Clyne Professor of Law*  
John A.E. Pottow, A.B., J.D.  
*John Philip Dawson Collegiate Professor of Law*  
James J. Prescott, B.A., J.D., Ph.D.  
W. Nicholson Price, II, A.B., J.D., Ph.D.  
Eve Brensike Primus, B.A., J.D.  
Richard A. Primus, A.B., D.Phil., J.D.  
*Theodore J. St. Antoine Collegiate Professor of Law*  
Adam C. Pritchard, B.A., M.P.P., J.D.  
*Frances and George Skestos Professor of Law*

*Assistant Professors of Law*

Maureen Carroll, B.S., J.D.  
Edward Fox, B.A., J.D., Ph.D.  
Leah Litman, A.B., J.D.

Steven R. Ratner, A.B., M.A., J.D.,  
*Bruno Simma Collegiate Professor of Law*  
Donald H. Regan, A.B., LL.B., B.Phil., Ph.D.,  
*William W. Bishop, Jr. Collegiate Professor of Law*  
Mathias W. Reimann, Dr.Iur., LL.M.,  
*Hessel E. Yntema Professor of Law*  
Veronica Santarosa, LL.B., B.A., M.A., LL.M., Ph.D.  
Margo Schlanger, B.A., J.D.  
*Henry M. Butzel Professor of Law*  
Carl E. Schneider, A.B., J.D.,  
*Chauncey Stillman Professorship for Ethics, Morality,  
and the Practice of Law*  
Rebecca J. Scott, A.B., M.Phil., Ph.D.,  
*Charles Gibson Distinguished University Professor of  
History*  
Bruno Simma, Doctorate of Law  
Christina B. Whitman, A.B., M.A., J.D.,  
*Francis A. Allen Collegiate Professor of Law*

*Clinical Professors of Law*

Nicole Appleberry, A.B., J.D., LL.M.  
Edward R. Becker, B.A., J.D.  
Howard Bromberg, B.A., J.D., J.S.M.  
Bridgette Carr, B.A., J.D.  
Margaret Hannon, B.A., J.D.  
Joshua Kay, B.A., M.A., Ph.D., J.D.  
David A. Moran, B.S., B.A., M.A., M.S., J.D.  
Mark K. Osbeck, A.B., M.A., J.D.

Timothy Pinto, B.A., J.D.  
Vivek Sankaran, B.A., J.D.  
David Santacroce, B.A., J.D., LL.M.  
Kimberly A. Thomas, B.S., J.D.  
Dana Thompson, B.S., J.D.  
Frank E. Vandervort, B.A., J.D.  
Nancy Vettorello, B.A., M.U.P., J.D.  
Beth H. Wilensky, B.A., J.D.

*Clinical Assistant Professors of Law*

Matthew Andres, B.A., J.D.  
Patrick Barry, B.A., J.D., Ph.D.  
Elizabeth Campbell, B.A., J.D.  
Mira Edmonds, B.A., J.D.  
David Guenther, B.A., M.A., J.D.  
Rachael Kohl, B.A., J.D.  
Kerry Kornblatt, B.A., J.D.

Jessica Lefort, B.A., J.D.  
Sammy Mansour, B.A., J.D.  
Tifani Sadek, B.S., J.D.  
Oday Salim, B.A., J.D., LL.M.  
Amy Sankaran, B.A., J.D.  
Imran Syed, A.B., J.D.

*Professors from Practice*

J. Phillip Adams, B.A., J.D., LL.M.  
Timothy L. Dickinson, B.A., J.D., LL.M.  
Jennifer Haverkamp, B.A., M.A., J.D.  
Robert Hirshon, B.A., J.D.  
*Frank G. Millard Professor from Practice*  
Barbara McQuade, B.A., J.D.

Leonard Niehoff, A.B., J.D.  
Susan Page, A.B., J.D.  
Michael Steinberg, B.A., J.D.  
David Uhlmann, B.A., J.D.,  
*Jeffrey F. Liss Professor from Practice*

*L. Bates Lea Global Professors of Law*

Susanne Baer, LL.M.  
Paul Brand, B.A., M.A., D.Phil  
Christine Chinkin, LL.B., LL.M., Ph.D.  
John G. H. Hudson, M.A., D.Phil

Caroline Humfress, B.A., M.A., Ph.D.  
Haw-Jin Kim, B.S., Dr. Jur., LL.M.  
J. Christopher McCrudden, LL.B., LL.M., D.Phil  
Anne Peters, LL.M.



# MICHIGAN LAW REVIEW

Vol. 119, No. 6

April 2021

## EDITORIAL BOARD

### *Editor-in-Chief*

SOPHIA W. MONTGOMERY, *of Maryland*

### *Managing Editor*

ALEXANDER J. BAU, *of California*

### *Executive Production Editor*

LOREN M. LEE, *of Michigan*

### *Executive Articles Editor*

ALEXANDROS T. EHRLICH, *of Michigan*

### *Articles Editors*

LUCYANNA BURKE, *of Massachusetts*

EMILY A. HARRIS, *of New Jersey*

DIANE KEE, *of Wisconsin*

J. ALEXANDER ROWELL, *of Georgia*

ANNA SEARLE, *of Indiana*

### *Executive Editors*

ADAM ABDEL-MAGEED, *of Michigan*

CASSANDRA ANN D'ALESSANDRO, *of Florida*

ANDREA HOFFER, *of Michigan*

KAT MAIL, *of New Hampshire*

KEERTHANA NUNNA, *of Illinois*

AUDREY SPRINGER-WILSON, *of Michigan*

### *Executive Development Editor*

DEBORAH WON, *of California*

### *Executive Notes Editor*

KATE MARKEY, *of Michigan*

### *Notes Editors*

CONOR M. BRADLEY, *of New Jersey*

RENEE M. GRIFFIN, *of Illinois*

VERONICA PORTILLO-HEAP, *of California*

BRIAN A. REMLINGER, *of California*

INGRID YIN, *of Illinois*

### *Book Review Editors*

BENJAMIN P. LEMPERT, *of California*

MARIEL S. RADEK, *of New Jersey*

### *Executive Online Editors*

MARIA GABRIELLA BORIA, *of Venezuela*

MOLLIE KRENT, *of Illinois*

GRIGG SCHNEIDER, *of Tennessee*

### *Senior Editors*

WALTER ALLISON, *of Colorado*

JACOB ALTIK, *of New Mexico*

HOPE BRINN, *of Delaware*

ANNA BRITO, *of Texas*

MASSIMO B. CAPIZZI, *of New York*

CALEB M.W. ELLIS, *of Missouri*

MELQUIADES FERNANDEZ, *of New York*

KYLE FRASER, *of Virginia*

CHRISTINA E. GEITH, *of California*

LAURA M. GEVARTER, *of Maryland*

ANGELIKA GLOGOWSKI, *of Illinois*

COLE M. HANSON, *of Wisconsin*

LAILA KASSIS, *of New York*

EMILY R. KEMPA, *of Michigan*

TIMOTHY LEAKE, *of Indiana*

JOSEPH L. LINDBLAD, *of Connecticut*

CRYSTAL LIU, *of Beijing*

PATRICK D. McDONELL, *of California*

REBECCA T. MOONITZ, *of Florida*

DANIEL T. PARK, *of California*

JACOB PODELL, *of Michigan*

KEAGAN POTTS, *of Minnesota*

MATTHEW N. PRESTON II, *of Indiana*

MITCHELL RALPH, *of Texas*

WAYNE M. RITTER, JR., *of Ohio*

ELIZABETH RODGERS, *of Massachusetts*

HANNA RUTKOWSKI, *of Michigan*

### *Associate Editors*

BRENDON J. ANDERSON, *of New York*

KATELYN R. ASMUS, *of Iowa*

CHARLES P. BALAAN, *of Pennsylvania*

HANNAH BERL, *of New York*

CHARLOTTE BOGHOSSIAN, *of Massachusetts*

LATAZIA R. CARTER, *of Tennessee*

VICTORIA I. CLARK, *of Colorado*

SAMUEL A. CRIMMINS, *of Massachusetts*

JESS DAVIS, *of California*

KEVIN J. DECKER, *of New Jersey*

SARA EL SOUKI, *of Michigan*

RUBY EMBERLING, *of Michigan*

ELIZABETH FAKHOURY, *of Michigan*

JANE E. FISHER, *of Michigan*

MATTHEW FOLENSBEE, *of Texas*

BRYAN T. FREDERICK, *of Michigan*

JOHN FRIESS, *of Ohio*

KACYN H. FUJII, *of California*

SAMANTHA J. GOWING, *of Georgia*

MATTHEW P. GUIANG, *of Minnesota*

JUSTIN R. HILL, *of Indiana*

ALEXANDRA HUDON, *of Canada*

CHRISTIANA G. JOHNSON, *of New York*

RANDALL F. KHALIL, *of California*

CAITLIN A. KIERUM, *of Washington*

HYE JIN KIM, *of New Jersey*

COLTON R. LACY, *of Colorado*

DENISE R. LASPINA, *of New York*

STEPHAN DAVID LLERENA, *of California*

MATTHEW D. LUSTBADER, *of Illinois*

### *Manager*

JESSICA L. PASQUALE

JOVIAN NIKO SALVANERA MARCELO, *of California*

KATIE MOE, *of Wisconsin*

ERIN A. MONTERA, *of New York*

JULIE C. MORONEY, *of Ohio*

JESSICA M. PADUGANAN, *of Arizona*

HANNAH E. PATON, *of New York*

KELLY RECKER, *of California*

ALAINA M. RICHERT, *of Indiana*

AHMED RIZK, *of Michigan*

PHOEBE K. ROQUE, *of Massachusetts*

LILY SAWYER-KAPLAN, *of Connecticut*

JESSE SCHUPACK, *of Oklahoma*

KATHRYN C. SCULLY, *of Virginia*

SARAH I. SIEGEL, *of Oregon*

BROOKE K. SIMONE, *of Pennsylvania*

SOFIA SQUATRITI, *of Michigan*

JULIANNA R. ST. ONGE, *of New Jersey*

EMILY E. STATHAM, *of Texas*

SHANA TOOR, *of Michigan*

BAILEY C. TULLOCH, *of Kansas*

STEVEN VAN IWAARDEN, *of Michigan*

ADITYA VEDAPUDI, *of Michigan*

K. JEFF WANG, *of Connecticut*

TYLER J. WASHINGTON, *of Illinois*

CHARLIE M. WATHIEU, *of Maryland*

JACOB R. WEAVER, *of Michigan*

ELIZABETH K. WEI, *of Maryland*

KURT J. WOHLERS, *of Washington*

ERIN P. WOODRUFFE, *of Georgia*

### *Editorial Assistants*

JESSICA KEELER

CONNIE M. SWINDLE