¶89 Robson's nuanced readings often draw attention to inconsistencies in reasoning, demonstrating the merit in examining these diverse cases and topics together. For instance, in the chapter "Dressing Religiously," Robson fruitfully draws together school discipline, Title VII, and criminal cases to illustrate judicial inconsistencies. While courts seem reluctant to make judgments about religious sincerity because of the Establishment Clause, in many of these cases courts willingly investigate and draw conclusions about religious beliefs. A Florida court looked to expert testimony on Islam regarding whether Muslim women could be veiled in driver's license photos—rather than relying on the religious beliefs of the license applicant herself. Alongside cases involving body modification and beards, Robson crafts a compelling argument that constitutional doctrine vis-à-vis clothing lacks consistency and rigor.

¶90 Robson less effectively explores the three main themes identified in the subtitle. The introduction devotes one paragraph to each topic. The case readings shift among these themes, sometimes addressing only one, sometimes two, sometimes all three. The lack of clarity is perhaps most apparent with regard to hierarchy, which at various moments implicates race, sex, class, and employment status. The book never explains this term with specificity or depth, and as a result, these different forms of hierarchy seem interchangeable. The words hierarchy, sexuality, and democracy do not appear in the index, further suggesting a missed opportunity to elaborate these concepts.

¶91 In a similar vein, the chapters' conclusions do not often successfully tie the diverse concepts together. The book as a whole also lacks such a culmination: a discussion of no-sweat procurement policies ends with a link back to the Tudor sumptuary laws of the first chapter and a mere recitation of the claim that "our sartorial choices are inextricably linked with the Constitution" (p.180). In the end, Robson marshals substantial and convincing evidence that the intersection of the Constitution and clothing presents interesting and challenging moments. The reader is less sure what to make of those moments. Robson offers no assessment of how courts should determine the value of this wide range of matters, nor does she elucidate what new light this analysis sheds on her three primary themes of hierarchy, sexuality, and democracy.

¶92 Despite these shortcomings, this book represents a valuable addition to academic libraries, law and general alike. Robson effectively exposes the "interpretive slovenliness" in cases dealing with apparel, and she does so with clear, engaging prose, supported by extensive research.

Spoo, Robert. *Without Copyrights: Piracy, Publishing, and the Public Domain*. New York: Oxford University Press, 2013. 355p. $35.

Reviewed by Wilhelmina Randtke[*]

¶93 *Without Copyrights: Piracy, Publishing, and the Public Domain* is as much about literary history as it is about legal history. Law, or lack of copyright law, drives

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literary commerce and literary content. Social norms in publishing that predate copyright stretch into the modern world.

¶94 The history begins in a publishing landscape that is without copyright: the historical United States publishing market for foreign books. Until 1891, U.S. copyright could be held only by a U.S. citizen or resident. In a world without copyright, "trade courtesy" or an informal agreement between publishers not to cut into one another's business governed (p.18). Spoo lays out numerous examples of U.S. publishers making large payments to foreign authors, publishing notices in trade journals indicating that a book was now claimed, and printing authorized editions. Publishers enforced trade courtesy through social and business interactions. Violators were punished by posting a shaming announcement in a trade journal, selling reprints of the violator's claimed books, or price gouging to keep the offending publisher from making profits on the reprint.

¶95 Even after the 1891 Chance Act removed the citizenship or residency requirement, realities of business prevented foreign authors from obtaining U.S. copyright protection. Under U.S. law, books had to be published first in the United States to have copyright protection. In a less connected world, foreign authors could not easily arrange printing and sale of a U.S. edition. Improved global communications slowly eased the situation. The manufacturing clause persisted until the 1980s.

¶96 Art changed to fit the law. Agents advised a new introduction and numerous edits throughout a book to give a color of copyright to the "new" American edition. Spoo extensively cites correspondence between agents, authors, and publishers discussing what changes to make, all motivated by a desire for U.S. copyright protection. Through it all, traces of trade courtesy lingered. Publishers who respected the authorized edition held off for reasons having as much to do with social norms as with fear of a lawsuit.

¶97 Colorful literary history tends to find James Joyce. Because of formalities of copyright law at the time, Joyce's *Ulysses* almost immediately went into the public domain in the United States after publication in Europe in 1922. The lost copyright was soon noticed by pirate publisher Samuel Roth, who found material to reprint by looking through published works and Copyright Office filings to check for errors or omissions in the required formalities. Interestingly, and a sign that trade courtesy was not dead, Roth at first offered to pay Joyce for permission to reprint *Ulysses*. Roth did not get permission, reprinted anyway, and then mailed a check to Joyce's European publisher. Joyce and publisher retaliated by mailing out letters to magazines and newspapers, urging them not to carry ads for Roth's books, and to booksellers, urging them not to sell Roth's books. In 1927, a protest against Roth, signed by 160 writers, was published. Joyce sued Roth for unauthorized use of his name. In a settlement, Roth agreed not to use Joyce's name. Shaming, as under trade courtesy, was the chosen method of punishment.

¶98 And the shaming worked. In 1934, Random House issued an authorized American edition of *Ulysses*. The key to that victory was Random House's success in navigating U.S. obscenity law and legally achieving Joyce's desire for an unaltered, legal U.S. edition. Roth's shaming had been so effective that no unauthorized editions were released. Random House remained the sole U.S. publisher of this public domain work.

Copyright in *Ulysses* was restored in 1996, when the United States retroactively granted copyright to foreign works that had not met the manufacturing requirement.

¶99 *Without Copyrights* will interest readers of literary history and those concerned with how social norms interact with copyright law. Extensive citation to primary sources shows how legal concerns affected literature in the past. Tracing trade courtesy from the 1800s to 1996 shows the strength of norms and exposes the nonlegal forces that shape the publishing industry in the United States today. That aspect, showing how history affects modern behavior, takes *Without Copyright* from academic to practical. For someone thinking about the good and bad of present law, or wondering what effect a change might have, the in-depth research into how publishers and authors acted in the past under different laws is valuable. Law is the backdrop, while reaction to the law and behavior are the subjects.

¶100 The chronological organization of *Without Copyrights*, and the focus on strong personalities in publishing, make this a fast read that unfolds like a story. It is meant to be read straight through. At the same time, this is an extensively cited work that would make a solid addition to an academic library or academic law library collection.

Wilkins, David E. *Hollow Justice: A History of Indigenous Claims in the United States*. New Haven, Conn.: Yale University Press, 2013. 272p. $40.

Reviewed by Genevieve Nicholson[*]

¶101 In his preface to *Hollow Justice: A History of Indigenous Claims in the United States*, David E. Wilkins points to one criticism of federal Indian law—its failure to recognize "the roles that history, morality, justice, and humanity should be contributing [to the way law was understood and practiced in relation to Native peoples] but were not"—and proposes a solution:

> One way to possibly instill some of the missing dimensions in the organized chaos that is federal Indian law would be to take one specific sub-area and critically examine the vocabulary, doctrines, and institutions that might contribute to deepening our understanding of what actually transpired between Native peoples and the U.S." (p.xiv).

With *Hollow Justice*, Wilkins takes the sub-area of claims, removes it from a strict legal context, and performs a thorough examination. This comprehensive treatment of indigenous claims is the first of its kind.

¶102 The first two chapters of *Hollow Justice* describe the federal government's early struggles with claims against it. Chapter 1 provides background information on the relationship between American Indian nations and the United States government, the events from which indigenous claims against the federal government arose, and attempts by indigenous peoples to seek redress in the federal Court of Claims. Chapter 2, on the other hand, deals with Indian depredations: claims by whites against the United States for harm caused by American Indians. Wilkins's discussion of specific tribes' experiences with the claims process conveys, quite convincingly, the exasperation felt by the indigenous population, but he also acknowledges the frustration felt by white claimants and individuals within the government.

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