

But the book *also* helped me think about the future. As Prof. Seo writes, “The contradiction of the automobile as both the pre-eminent symbol of American values and an object of extensive policing threw into sharp relief the vexing conundrum of discretionary policing in a society based on the rule of law” (159). Since Prof. Seo’s book was released, that conundrum has become, if anything, even more vexing. When I finished *Policing the Open Road*, I was left contemplating the role the automobile will play in the *next* evolution of American society, the changes that will occur against the backdrop of board public skepticism of policing as a mode of governance and the increasingly availability of ever-more sophisticated autonomous vehicles.

Policing the Open Road does not attempt to answer those questions, but it gives readers a firm historical foundation for thinking about the answers.

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Yesterday’s Monsters: The Manson Family Cases and the Illusion of Parole. By Hadar Aviram. Oakland, CA: University of California Press, 2020. 296 pp. \$29.95 paperback

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Is the history of the penal state a series of transformative ruptures or better understood as a long term grind it out battle between heavily invested antagonists? The increasingly common consensus answer is “yes.” We need both. Aviram’s unique study highlights why. The Manson Family cases of the book’s subtitle refers to the still remarkably famous “Tate-LaBianca” murders that unfolded over two August weekends in the tumultuous summer of 1969 (see

Tarantino's recent, *Once Upon a Time in Hollywood* (2019) for the latest popular culture retelling, along with Emma Cline's 2016 novelistic version *The Girls*). The horrific details left at the crime scene (words written in blood, victims mutilated), the long time it took the Los Angeles Police Department to solve the crimes, and the nightmarish narrative painted by the prosecution of former flower children turned into terroristic agents of a plot to inspire a race war, all made the events examples of what Aviram calls "red ball crimes"; that is, crimes that concentrate public attention and sometimes come to define a period of time (what the criminologist Martin Innes called "signal crimes").

But if the Manson murders are among the events of the later 1960s and early 1970s that helped to reframe the imagination of Californian citizens (and one might include the Watts riot/uprising of 1966 and the San Quentin prison uprising of 1971 along with the better known Attica, New York prison uprising sparked by San Quentin), the shift in California from a relatively lenient penal system to one of the nation's most punitive in fact took more than a decade and unfolded largely not in the newspapers, television screens or even legislative assemblies, but in the grinding work of courts and parole administrators. Perhaps the only book ever written on the Manson cases to almost completely avoid its lurid and fascinating details, Aviram's meticulous study takes us deep into the administrative core of the penal state, deeper than almost any other study I am aware of and the first of the parole release process in decades.

Here we learn that the nature of this crime and its political effects are crucial to California's punitive shift not only or perhaps even mainly through their shock, but through a prolonged process of shaping a discourse around parole release and prefiguring of the roles of prosecutors and victim representatives in it. It is this process, quite agonistic in its contested quality brought out in detail from the transcripts of the numerous hearings, that collectively transformed what was once a routine release mechanism for people sentenced to prison in California to a harrowing process which Aviram compares to the mystical *bardos* between life and death through which the *Tibetan Book of the Dead* is supposed to prepare students to navigate. Aviram, who read every transcript of every parole hearing for the Manson family members, documents the evolution over time of forms of administrative reasoning that doom most parole candidates to fail, and guarantee that those who do succeed do so after accomplishing extraordinary narrative gymnastics (secrets of which are revealed here, making it an important book for lawyers involved in the parole process).

California's more lenient period as a penal state, from the end of World War II to the late 1970s, relied heavily on the fact that

every California prisoner, except for those on Death Row, were eligible to be released on parole, sometimes within a short period of beginning. In contrast, the decades of mass incarceration in California, were produced and sustained by sentencing changes that reduced parole eligibility to only those people sentenced to life sentences for crimes like murder and kidnapping. Virtually all other felonies were punished by fixed sentences (that has changed somewhat in recent years with the reintroduction of parole eligibility for some felonies deemed “nonviolent”).

While many have written about California’s shift toward punitiveness, Aviram is the first to tie together elements that are usually understood as separate stories; demonstrating how the logics of extreme punishment associated with the death penalty and Life Without Parole were actually shared by a determinate sentencing system adopted in 1976 for ordinary felonies and often associated with liberal criticisms of racial discrimination in the parole process as much as with conservative concerns over leniency.

The California Supreme Court’s 1972 decision invalidating the death penalty (ahead of the US Supreme Court by a few months) and only a year or so after Manson and his co-defendants were sentenced to death, prompted a widely noted backlash. Led by California Governor Ronald Reagan, politicians expressed outrage at out of touch judges that would come to characterize much harsh on crime rhetoric over the coming decades and California voters re-enacted a new death penalty law by overwhelming popular vote that would undermine legal arguments about “evolving standards of decency” and declining support for capital punishment. But the death penalty would only become part of what Aviram memorably names the “trifecta of extreme punishment” when joined with two other penalties that effectively did not exist prior to the early 1970s; a formal sanction of Life Without Parole, and a transformed penalty of Life with parole in which parole is rarely granted. Because the death penalty has been largely stalled (only 13 executions in total since re-establishment) and totally so since 2006 (there is currently a gubernatorial moratorium as well as legal obstacles), Aviram convincingly argues that these punishments have become identical (although with some important differences in access to lawyers, better cells, which is why it is widely believed among advocates that many prefer to remain technically under sentence of death). Together, they constitute a giant block of punitive excess far larger in total than the death penalty was before it was originally invalidated.

Aviram convincingly argues that the Manson cases are critical to the establishment of this trifecta. Once freed from their death sentences, they were all re-sentenced to Life with the possibility of parole (which was at that time routine after less than a decade for

many cases of murder) which means that the Manson cases became the very face of parole with regular (annual at first) parole consideration hearings at which the public was led to believe release might be imminent. More importantly, Aviram advances the fascinating and very plausible thesis that it is through the processing of these cases that the key government and prosecutorial actors (along with their victim family allies) learned a new way of articulating demands on potential parole recipients and processing information about their crimes and records that have helped seal not only their fate (only one of the original condemned persons received parole and he was the most distant from the celebrity victims) but also those of virtually all other life sentenced people in California.

Even if we cannot truly test Aviram's thesis in a causal sense (perhaps similar punitive influences were working on parole from other directions) her empirical analysis leads to a fascinating and valuable account of how parole has come to work in practice as a complex mix of administrative and judicial law making, along with a narrow bridge for individual performance. While the Manson cases are undoubtedly unusual, the elements that surfaced early in that long history, are key elements of the nongranted parole today for all lifers, even those guilty of the most ordinary murders. This includes an obsessive backward focus on the facts of the life crime despite the specifically forward looking judgment about dangerousness that the parole statute mandates (and which the California Supreme Court has repeatedly instructed the parole board it must actually base its decision on). The board has also developed a way of reasoning about parole suitability that turns largely on the parole candidates' ability to perform sincere remorse while also demonstrating insight about the causes of their crimes; tasks that are inherently vague in their expectations, have little if any empirical relationship to future dangerousness, and are, in fact, often contradictory (causal explanations of your crime might appear to undermine your performance of remorse). Aviram, a law professor and legal advocate, is able to explicate this famously arcane and complex body of law and administrative reasoning and to then interrogate it as a legal sociologist, yielding a larger portrait of punitive governance that continues to hang over California's bloated penal state.

It is here that two stories, California's adoption of determinate sentences for ordinary felonies, and its construction of the "trifecta of extreme punitiveness" come together. Both share an unremitting focus on the past, and the nature of the crime, along with a strong focus on the victim. As such, both support a presumption of maintaining long prison sentences no matter how clear it is that they cannot serve a useful penal purpose and are

exacting horrendous human costs on imprisoned people and their families while imposing escalating fiscal (mostly medical) costs. This helps explain the state's long tolerance for hyper-overcrowding in its prisons that ultimately led to the landmark Supreme Court's *Brown v. Plata* decision in 2011. As a result of that decision California has somewhat reduced the imprisonment rate by pushing nonviolent, nonserious, and nonsexual felonies out of prison eligibility in most cases (leaving jail or probation). Yet California prisons remain chronically overcrowded (perilously so in a time of Pandemic) largely because of Aviram's trifecta. This is the forceful implication of her title, yesterday's monsters remain not only incarcerated but stamped now into the very habitus of the penal state.

There is a bit of hope in the end, however. Having followed Manson cases right up to the end of her research period, Aviram is able to discern subtle but important changes in discourse that allow the Board to begin approving parole for some of the survivors (two have died already including Manson himself) although those so far have been reversed by governors who are given that unusual power under California law. These include the growing legal recognition that crimes committed by younger adults may not reflect the awareness of future consequences that more mature adults can be presumed to have, and thus are less deserving of punishment. The surviving people convicted of the Manson murders were in their late teens or early twenties. More recent hearings also reflect the revitalization of "rehabilitation" as a legitimate penal goal. After decades of almost holding it against the Manson prisoners, parole board members now acknowledge significant educational or vocational achievements as reasons to favor release.

Yesterday's Monsters is an outstanding contribution to our sociological understanding of extreme punishment and mass incarceration in the US. It joins such outstanding recent studies such as Keramet Reiter's (2016) *23/7* (also about a unique California genealogy), Heather Schoenfeld's (2018) *Race and the Politics of Mass Incarceration* (about Florida), and Mona Lynch's (2009) *Sunbelt Justice* in teaching us how to make sense of grand rupture and agonistic details in the penal field.

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The President on Trial: Prosecuting Hissene Habré. Edited by Sharon Weil, Kim Thuy Seelinger, and Kerstin Bree Carlson. New York: Oxford University Press, 2020. 464 pp. \$125.00 hardcover

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The President on Trial is a “case study” in both senses of the term: a deep analysis of a decades-long attempt to get legal justice for a series of horrific crimes, and the detailed study of an actual *case*.

In this unique book, the editors and their close to fifty contributors carefully—and in some instances, almost reverently—trace the contours of an unlikely but powerful development in the history of international criminal law: the thirty-year effort to bring former Chadian head of state Hissene Habré to account for international crimes, and the creation of a novel court in Senegal for that purpose.

As the international legal community struggles to efficiently and effectively achieve the multiple goals of criminal justice—including deterrence of atrocities, reparations for victims, accountability for perpetrators, and correction of an historical record too often perverted by politics—this book is both timely and important, illustrating not only the strengths but the weaknesses of legal processes in meeting social aims.

The editors’ acknowledgment of those weaknesses is a core strength of this book. While they applaud the creation of the Extraordinary African Chambers in Senegal and Habré’s successful prosecution (as they should), the taste that is left with the reader by the end is bittersweet. And that is to the editors’ credit. Instead of packing the volume with celebratory and self-referential praise from the survivors, nonprofit organizations, and prosecutors who worked so hard to see Habré held to account, the editors thoughtfully and smartly ensured that the book includes a rich diversity of voices and perspectives, which lends a depth and a legitimacy that the book would have otherwise lacked. While the prosecution’s critics *are* in the minority, some of the most interesting chapters are those that reflect the