Constitutional Precedent in US Supreme Court Reasoning. David Schultz. Cheltenham, UK; Northampton, MA: Edward Elgar Publishing, 2022. Pp. v, 189. ISBN: 978-1-83910-312-4. US$130.00.

This book was an interesting one to review. Couched as a casebook, *Constitutional Precedent in US Supreme Court Reasoning* in many ways does feel like a casebook. The vast majority of the book consists of excerpts of U.S. Supreme Court cases, organized chronologically, with questions about themes, comparisons between cases, and general reflection questions peppered among groups of cases. Indeed, the author himself states that "[t]his is a casebook that examines the role of constitutional precedent in U.S. Supreme Court reasoning" (p. 21). At the same time, however, the book has a very specific purpose and goal as reflected in the cases chosen and the introductions provided to the cases. The author selected only cases in which the U.S. Supreme Court overturned constitutional precedent. He uses those cases as vehicles to examine how the Supreme Court approaches overturning precedent, to both generally teach students about precedent and explore criticisms that the Court overturns cases for political rather than legal reasons.

The most interesting part of the book surprisingly occurred long before its writing—that is, the approach the author took in identifying the cases that would be included in his high-level empirical analysis at the beginning of the book and in the excerpts that fill its bulk. As Mr. Schultz points out, the U.S. Supreme Court issued 26,544 cases in its terms spanning 1788 to 2020, and determining whether a case has been overruled can be tricky (p. 22). So, Mr. Schultz relies on a 2018 Congressional Research Service report that used—at least to a research librarian—a rather brute-force approach to identify relevant Supreme Court cases, by searching for the word "overrule" in various sections of the opinions and editorial content;[1] Mr. Schultz then updates the search to 2020. From the results of this search, he produced several tables that quantify those opinions, breaking them down by Chief Justice and showing the percentage of overrulings that occurred within each Chief Justice's tenure. Finally, before diving into the meat of the book, Mr. Schultz provides a list of questions to consider as the reader goes through the cases in the book, followed by questions that focus primarily on finding patterns and generally understanding how the Supreme Court overturns precedent.

Mr. Schultz divides the Court into five eras: the Jay to Vinson Courts (which covers the time period 1789 to 1953, during which 36 opinions overturned constitutional precedent), and then by each of the remaining Chief Justices up to the 2020 term: Warren (32 opinions), Burger (32 opinions), Rehnquist (30 opinions), and Roberts (15 opinions). The main substance of the book is organized chronologically and follows the same pattern: the author introduces the era, briefly reviews the major opinions that were overruled, and poses a series of questions to the reader. Then, several excerpts (focused on the part of the opinion that overturned constitutional precedent) flesh out the remainder of each chapter.[2] Rather jarringly, the book simply ends with a Roberts opinion (*June Medical Services v. Russo*, 140 S. Ct. 2103 (2020)), moving directly into the index without a conclusion or final remarks.

The most interesting of the introductions to the eras is that for the Rehnquist Court, in which the author speculates that the Supreme Court "almost seems to be seeking a theory of precedent" in the language it uses when it overturns constitutional decisions, before exploring possible reasons for this shift (p. 129). The discussion harkens back to the author's very early mention of the concept of "super-precedent," decisions so foundational that they "could or should not be overruled" (p. 2). Perhaps it is because *Roe v. Wade* is mentioned as an example of super-precedent, or perhaps it is the timing of the book, which makes the discussion feel particularly poignant; published in early 2022, the book includes references to Amy Coney Barrett but not to Ketanji Brown Jackson. And as I write this review in early June 2022, we have seen the leaked draft opinion that could overturn *Roe v. Wade* but not the final opinion. Simply because of the timing of its publication, the book lands oddly, at once instantly outdated and incredibly relevant.

[1] Surprisingly, while the book focuses on constitutional precedent, the author does not explain how the search identified those cases that were constitutional precedent rather than overrulings on other topics.

[2] The only exception to this pattern is the first era, in which the author provides a short introduction to the Jay through Hughes Courts, followed by the opinions from those Courts, and then a short introduction to the Stone and Vinson Courts, followed by those opinions.

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Overall, I'm not sure where to place this book and how to recommend it. It is advertised as a casebook, and it primarily is one, which places it squarely within the academic law librarian wheelhouse. Further placing it within the curriculum of a law school is more difficult. It seems too high-level for either a constitutional law or federalism class —perhaps a class focused solely on the Supreme Court, its decisions, and its workings? Indeed, other than certain academic law libraries or the U.S. Supreme Court library itself, few libraries would likely find a place for this book in their collections. Those who do add it will find it a concise and efficient way to view cases in which the Supreme Court has overturned itself on constitutional grounds and a way to start a conversation on Supreme Court precedent.

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Media Freedom in the Age of Citizen Journalism. Peter Coe. Cheltenham, UK; Northampton, MA. Edward Elgar Publishing, 2021. ISBN 978-1-80037-125-5. Pp. X, 308. US$145.00.

The media landscape has shifted in the past ten, if not twenty, years with the closure of more traditional media outlets and a shift to news generated from and by the people. *Media Freedom in the Age of Citizen Journalism* by Peter Coe traces this shift and the philosophical and legal issues associated with an overhaul of the media landscape. Coe is a law professor at the University of Reading, specializing in media law and issues of free speech and journalism regulation. Coe also works with regulator IMPRESS in the United Kingdom to create regulatory schemes for journalists and publishers.[1]

Media Freedom in the Age of Citizen Journalism argues that the shift in journalism from traditional media companies to citizen-driven news creation requires expansion of the idea of media freedom and protections extended to citizen journalists in free speech and free press regulatory schema. To achieve these results, Coe divides the book into three parts. Part I describes the current image of the media and provides explanatory background information for the reader. In the second part, Coe dives into the theory and philosophy of the media. Part 3 is a deeper dive into specific legal issues and potential resolutions in the context of his overall argument that the media needs to be protected and defined as an abstract concept rather than a specific institution or set of people. The work features a comparative focus on the United Kingdom and the European Union, with additional cases and examples from the United States, Canada, and Australia featured throughout.

Part 1 is titled "The Modern Media Landscape" and provides the reader with background information on how the media has transformed over the past ten years. Chapter 2 discusses a concept called the critique of the political economy of the press (CPEP) and the idea that a free press does not actually exist.[2] Chapter 3 builds on those ideas and arguments and investigates whether the expansion of the press into a more citizen-driven idea helps to avoid some of the issues of the CPEP analysis.[3] Both chapters discuss some legal aspects, but Part 1 principally is intended to provide the reader with additional background information. Readers familiar with this area of law or current events in the media and journalism will likely be familiar with much of what is covered in this part.

Part 2 is titled "Theoretical Considerations" and focuses on the philosophical arguments behind the book's central thesis — that is, that media freedom is a distinct legal concept separate from freedom of speech and treating it as such would offer more protection to less traditional media sources. Coe argues that distinguishing what is media versus what is not should be done via a functional definition rather than an institutional one that does not allow for growth in the media. This then creates the idea of the media as a constitutional concept. This portion of the book focuses on philosophy. Coe cites many philosophers from U.K. and EU literature, including John Stuart Mill, Ronald Dworkin, Thomas Scanlon, John Charney, and others. He uses these philosophers to highlight the issues with libertarianism and its influence on thinking about the media and a marketplace of ideas.[4] Part 2 is where the

[1] *Dr. Peter Coe,* University of Reading School of Law, accessed December 26, 2022, https://www.reading.ac.uk/law/our-stories/peter-coe.
[2] Peter Coe, *Media Freedom in the Age of Citizen Journalism* 17 (2021).
[3] *Ibid.*, 51.
[4] *Ibid.*, 138–139.