

systems subjects the perspective to a higher level of scrutiny than is typically used.

Even though the book was published before Obama's controversial immigration actions, it serves as a powerful lens through which to view his remaining time in office, as well as future presidents in the United States and abroad. Kehoe concludes with perhaps a prescient window into what is yet to come: "Undoubtedly, an end-of-tenure Obama may be the most aggressive end-of-tenure president that we have seen yet" (p. 171).

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**The Cosmopolitan First Amendment: Protecting Transborder Expressive and Religious Liberties** by Timothy Zick. New York, Cambridge University Press, 2014. 454 pp. Cloth, \$115.00; paper, \$34.99.

International freedom of expression scholars face a potentially intractable problem. Sovereignty defines jurisdiction; territorial borders thus set the bounds of the law's reach. In *The Cosmopolitan First Amendment*, Timothy Zick, the legal academy's foremost theorist of the relationship between speech and place, provides a path for reconciling a global orientation to protecting speech and religion with law's geography-based limits.

The First Amendment has historically been conceived as operating from the United States' borders inward, or, as Zick terms it, provincially. Law's protections under the provincial approach cover only intraterritorial speakers and believers. At its most pernicious, the approach treats foreign speech as something to be feared—an eroding influence on our constitutionally protected liberties. The logical response has been to fortify the borders, at the expense of anything that might come in or out. But speaking, worshipping, and traveling across borders are integral parts of modern life and learning. Accordingly, a provincial approach to speech and religion problems devalues the domestic benefits of a global perspective. It is also incongruous, if not incompatible, with the inherent dynamism of Internet-enabled communication, in which citizens and governments commingle and exchange on a constant basis, and physical space no longer constrains speech or religious exercise. Zick argues that to reap the full benefit of these exchanges, we need a First Amendment orientation that is as cosmopolitan as our expression.

Although the conceptual shift that *The Cosmopolitan First Amendment* proposes seems ambitious, the actual interventions Zick suggests that flow

from that shift are modest—and intentionally so. A cosmopolitan First Amendment would more forcefully protect transnational conduct concomitant with expression, such as Americans traveling, associating, and proselytizing abroad; foreign visitors seeking speech- or religion-related asylum in the United States; and embedded members of the press reporting on military and foreign affairs. The book thus does not claim, for example, that the First Amendment can—or, more importantly, *should*—limit other governments with respect to the speech- and religion-related activities of U.S. citizens abroad, let alone the citizens of those governments. This is as it is, and as it should be. Other sovereigns are as likely to disregard our U.S.-based judgments concerning the degree to which government should protect individual speech and religious autonomy as we are in the United States to disregard other sovereigns' First Amendment-averse judgments, in particular foreign libel rulings that plaintiffs seek to enforce against American defendants here. The world is a diverse place, and speech- and religion-related laws are products of historical narratives that are unique to each country.

Apart from its normative claims, *The Cosmopolitan First Amendment* deserves study as an exemplar of advocative craft. Zick demonstrates how the traditional justifications for the First Amendment that judges, lawyers, and scholars have been relying on for decades in shaping free speech jurisprudence—self-autonomy and self-governance—apply with full force to speech that is cross-territorial and extraterritorial in nature and orientation. This stirs readers to develop their own specific examples that affirm Zick's broader point. On January 12, 2010, Americans learn of a disastrous earthquake in Haiti as it happens. Domestic dialogue immediately turns to the question of an appropriate response—on both the personal (What are my obligations to crippling poor people I have never met who are in extreme suffering through no fault of their own? Should I send the text HAITI to the number 90999?) and democratic (How adequate was our government's response? Is this a military or humanitarian mission, or both? Could these resources be better put toward our nearly 10 percent unemployment rate?) levels. Our collective discussion of these questions is informed by information we receive not just from the traditional media but also from people literally standing on the shifting ground in Port-au-Prince. This is precisely the type of debate the First Amendment is designed to promote, irrespective of the provenance of the information giving rise to it.

Accordingly, *The Cosmopolitan First Amendment* is not just a book for lawyers. It is essential reading for anyone who cares about expressive liberty and how best to protect it in an increasingly interconnected world.

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