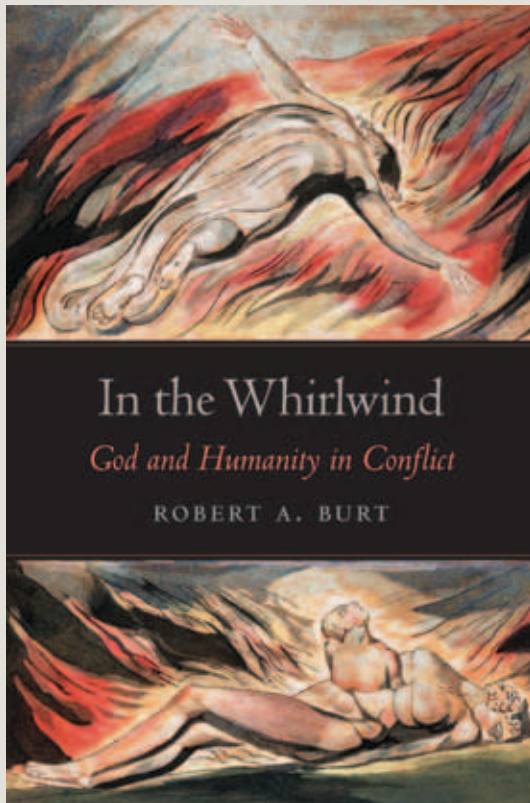


books in print

An Examination of Justice and Politics in the Bible



Robert A. Burt

In the Whirlwind: God and Humanity in Conflict

Harvard University Press, 2012

In his latest book, Robert A. Burt '64, Yale Law School's Alexander M. Bickel Professor of Law, reads the Hebrew and Christian Bibles in order to explore the political theory underlying both regarding the legitimacy of authority.

In the Whirlwind: God and Humanity in Conflict recounts the narratives of key biblical figures — including Adam and Eve, Cain, Noah, Abraham, Moses, and Jesus—to examine God's relationship with humanity as it evolves from initial harmony to an increasingly fraught struggle. In the biblical accounts, Burt argues, God's authority is neither unlimited nor self-evidently legitimate. The relationship between God and humanity is instead ambivalent and mutually dependent.

Justice, in the biblical conception, is complete harmony between God and humanity. This goal is repeatedly pursued on one side or the other but is never attained. Thus justice is always beyond reach — in sharp contrast with modern secular political theories that set out principles and/or processes that promise the ultimate attainment of justice.

Burt writes in the book's preface, "I offer this account not simply to tell a good Bible story — though I see it as a very good story, as a collection of richly engrossing, psychologically acute, beautifully rendered portraits of the variety of relationships between God and humanity. I offer this reading also to show the relevance of the biblical portrayal of God's authority to modern secular accounts of political relations between State and Subjects. I see a political theory about what differentiates legitimate from illegitimate authority embedded in the narratives of the Hebrew and Christian Bibles. By explicitly drawing the theory out from these narratives, we can see some valuable lessons for secular political theory in its various efforts to identify principles that establish the legitimacy of authority relationships."

Here's just a sampling of the many other books recently written or edited by our alumni, faculty, staff, and students.

We welcome your submissions.

Please contact us: kaitlin.thomas@yale.edu.

Matthew Adler

Well-Being and Fair Distribution: Beyond Cost-Benefit Analysis

Oxford University Press, 2011



Adler '91 provides a rigorous and comprehensive defense of the use of "social welfare functions" as a tool for moving "beyond cost-benefit analysis" and integrating considerations of equality and fair distribution into government policymaking.

In particular, he argues for a "prioritarian" approach: one that gives greater weight to well-being changes affecting worse-off individuals. His book draws upon many literatures, in theoretical economics, applied economics, philosophy, and law.

Lori Andrews

I Know Who You Are and I Saw What You Did: Social Networks and the Death of Privacy

Free Press, 2012



As we work and chat and shop and date over the Web, we are opening ourselves up to increasingly intrusive, relentless, and anonymous surveillance—by employers, schools, lawyers, the police, and aggressive data aggregator services that compile an astonishing

amount of information about us and sell it to any and all takers. As Andrews '78 persuasively argues, the legal system cannot be counted on to protect us. Andrews proposes that we must all become supporters of a Constitution for the Web, which she has drafted and introduces in this book.

Peter Berkowitz

Israel and the Struggle over the International Laws of War *Hoover Institution Press, 2012*



Growing out of the work of the Hoover Institution's Koret-Taube Task Force on National Security and Law, this book examines recent abuses of international law, focusing specifically on what it describes as

the deeply flawed legal, political, and strategic judgments put forward in the UN's Goldstone Report of 2009 and in the Gaza flotilla controversy of 2010. Although these judgments have enjoyed remarkable influence, especially in Europe, the United States, and even in some precincts in Israel, Berkowitz '90 argues that the assumptions, principles, and conclusions they advance threaten not only Israel's national security interests but also the United States' because they work to restrict unjustly the use of force by liberal democracies.

Tai-Heng Cheng

When International Law Works: Realistic Idealism After 9/11 and the Global Recession

Oxford University Press, 2012



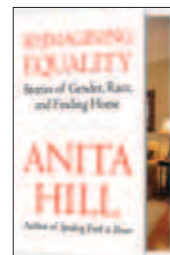
Cheng '00 LLM, '04 JSD transcends current debates about whether international law is really law by focusing on the reasons for complying with or deviating from international laws and other informal norms, whether or not

they are "law." This book presents a new framework to guide decision makers when they confront an international problem that implicates the often-competing policies and interests of their own communities and global order. Instead of advocating for or against international law, Cheng acknowledges both its benefits and shortcomings in order to present practical ways to decide whether compliance in a given circumstance is beneficial, moral, or necessary, and to adjust international law to meet the contemporary challenges of global governance.

Anita Hill

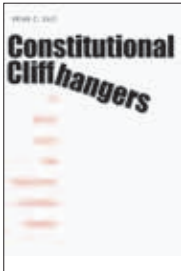
Reimagining Equality: Stories of Gender, Race, and Finding Home

Beacon Press, 2011



Hill '80 turns her attention to a potent and enduring symbol of economic success and equality—the home. She details how the current housing crisis, resulting in the devastation of so many families, so many communities,

and even whole cities, imperils every American's ability to achieve the American Dream. Hill takes us on a journey that begins with her own family story and ends with the subprime mortgage meltdown. Along the way, she invites us into homes across America, rural and urban, and introduces us to some extraordinary African American women.

Brian C. Kalt**Constitutional Cliffhangers:
A Legal Guide for Presidents
and Their Enemies***Yale University Press, 2012*

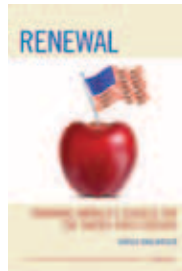
The United States Constitution's provisions for selecting, replacing, and punishing presidents contain serious weaknesses that could lead to constitutional controversies. Kalt '97 envisions six such controversies, such as the criminal prosecution of a sitting

president, a two-term president's attempt to stay in power, the ousting of an allegedly disabled president, and more. These scenarios provide an opportunity to think about how constitutional procedures can best be designed, interpreted, and repaired and shed light on the delicate and complicated balance between law and politics in American government.

Daniel J. Kornstein**Something Else:****More Shakespeare and the Law***AuthorHouse, 2012*

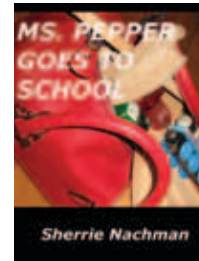
In this sequel to his earlier study of Shakespeare and the law (titled *Kill All the Lawyers?*), Kornstein '73 continues his explorations of the Bard and the law. He analyzes Mark Twain's "evidence" that Shakespeare could not have written the plays because he was not a lawyer. Kornstein submits

for the reader's verdict moot court briefs based on *Hamlet* and *The Merchant of Venice*. A chapter on *Coriolanus* shows how that rarely performed play explains much about democracy and elections in America. The author's discussion of *Henry V* and the law of war draws parallels to recent history and current events.

Harold Kwalwasser**Renewal: Remaking America's Schools
for the Twenty-First Century***R&L Education, 2012*

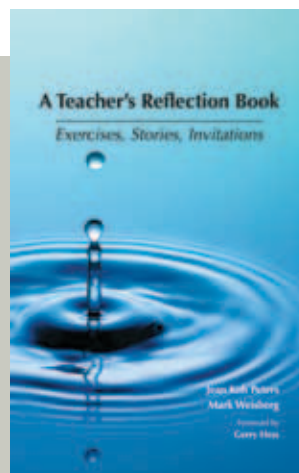
Kwalwasser '71 has put together a call to action for education reform that makes a case for what has to be done in order to educate all children to their full potential. In writing this book, he visited

forty high-performing and transforming school districts, charters, parochial, and private schools to understand why they have succeeded where others have failed. The heart of successful reform, he argues, is systemic change, which requires the patience, understanding, and commitment of every adult who has a role in the process.

Sherrie Nachman**Ms. Pepper Goes to School***Amazon Digital Services, 2011*

Nachman '88 explores corruption and extortion through the lens of a nursery school teacher in her newest book. Set at the Sunshine School, located on a quiet block on the Upper East Side of Manhattan,

it follows the unprincipled work of Ms. Pepper, who has developed an efficient scheme to extort large amounts of money from parents in exchange for special treatment for their children. However, Ms. Pepper's plot is jeopardized when a new crop of parents includes a prosecutor, and her new teaching assistant is dating an FBI agent.

**Jean Koh Peters and
Mark Weisberg****A Teacher's Reflection Book:
Exercises, Stories, and Invitations***Carolina Academic Press, 2011*

JEAN KOH PETERS, Yale Law School's Sol Goldman Clinical Professor of Law, and her co-author Mark Weisberg, Professor of Law (Emeritus) at Queen's University, offer a collection of stories, exercises, and examples aimed at inspiring teachers to take time for reflection. *A Teacher's Reflection Book* grew

out of the authors' experience facilitating retreats and leading teaching and learning workshops. The book is written to address teachers' needs at all stages of their careers.

The book's six chapters offer readers several perspectives from which to reflect. One section offers an in-depth examination of how teachers listen—a skill, Peters and Weisberg remind readers, that is crucial for reflecting, as well as for learning and teaching. Ultimately, the book invites teachers to reflect on their students: who they are, and what and how they learn. "In the end, reflection gives me courage—to question, to try, to risk," Peters writes in the book's conclusion.



Yale Law School Collaborates with University of Palermo Press on Spanish Translation Series

IN ORDER TO MAKE ITS SCHOLARSHIP ACCESSIBLE to students and scholars beyond the English-speaking world, Yale Law School has, for the last decade, sponsored a project of translating into Spanish the important works of its faculty members. The project began with Gedisa, a publishing house in Spain, and in 2009, a new partnership was forged between the Law School and the University of Palermo Press in Buenos Aires.

The partnership, La Colección de Ciencias Jurídicas, resulted in the publication in 2010 of a compilation of works by Gordon Bradford Tweedy Professor Emeritus of Law Carol Rose on the interdisciplinary analysis of property rights, followed later that year by a collection of essays on law and economics by Edward J. Phelps Professor of Law and Economics George Priest. In 2011, Sterling Professor of Law Anthony Kronman's '75 monograph, *The Lost Lawyer*, was published, as was *El Estado frente a la Libertad de Expresión*, a book on free speech by Yale Law School Dean Robert Post '77. In March 2012, *For the Common Good: Principles of American Academic Freedom* by Robert Post and Matthew Finkin '73 LLM was published.

The translations are all directed by law professors at Palermo who specialize in each particular subject area. Three more are currently under way: *Regulating from Nowhere* by Doug Kysar, Deputy Dean and Joseph M. Field '55 Professor of Law; a compilation of work on empirical analysis in law by William K. Townsend Professor of Law Ian Ayres '86; and a collection of seminal essays on contract theory by Sterling Professor of Law Alan Schwartz '64, Leighton Homer Surbeck Professor of Law Richard Brooks, Guido Calabresi Professor of Law Daniel Markovits '00, and Kronman, in addition to canonical works from Friedrich Kessler, Arthur Leff, Arthur Corbin (1899), and Grant Gilmore '42.

While works by Yale Law School faculty are regularly translated into various languages, the Yale-Palermo series is unique in its concerted emphasis on works relevant to developments in Latin American law. The translation series is one facet of the Law School's Latin American Legal Studies initiative, the most extensive program of its kind outside the Spanish- and Portuguese-speaking worlds. For a complete listing of the books published in the ongoing series, visit www.law.yale.edu/intellecualife/cienciasjuridicas.htm. For information on the Latin American Legal Studies program, visit www.law.yale.edu/intellecualife/LALS.htm.

Thomas O'Malley

Sentencing: Toward a Coherent System
Round Hall, Ltd, 2011



O'Malley '87 LLM explores the discretionary sentencing system in Ireland. He argues that sentencing should remain discretionary, with the aid of an efficient system of appellate review. The book also includes an examination of early release systems, parole decisions, and the transparency of the laws surrounding these systems.

Barry R. Schaller

**Veterans on Trial:
The Coming Court Battles over PTSD**
Potomac Books, 2012



Schaller '63, a judge and a bioethicist, chronicles the events leading to what he predicts will be the most challenging PTSD epidemic in U.S. military history. Schaller explains how PTSD now operates as a means of defense in the criminal court system and how it will affect

the courts in the next decade. He also offers solutions for returning veterans and their families and specifies what political and judicial officials, military leaders, legislators, and the mental health communities can do to meet their responsibilities to the men and women who serve our nation.



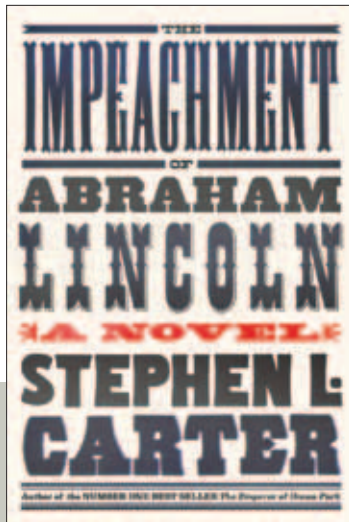
video

INTERESTED IN HEARING faculty members talk about their writing? Videos of book talks with faculty are available at www.law.yale.edu/videos.

T.M. Wolf**Sound: A Novel***Faber & Faber, 2012*

Built on musical notation and modeled after hip-hop beats, this first novel is set on the New Jersey shore among neon-lit arcades, riot-haunted blocks, and dilapidated boatyards. Thomas

Wolf '11 tells the story of a young man who drops out of graduate school and returns to his hometown only to find that home is not what he remembers it to be. Brainy, music-obsessed, and adrift, Cincy spends his days managing the crew of a local boatyard, his nights roaming the shore's bars and boardwalks. His fleeting encounters with a woman called Vera, whose path he crosses but whose love he can never seem to earn, soon develop into an obsession.



IN HIS NEWEST NOVEL, Yale Law School's William Nelson Cromwell Professor of Law Stephen Carter '79 takes his readers back to 1865, imagining what would have happened had Abraham Lincoln not been assassinated.

In Carter's imagined alternate history, President Lincoln survives the assassination attempt at Ford's Theatre only to be charged with overstepping his Constitutional authority during the Civil War, and faced with impeachment.

Helping with Lincoln's defense is Abigail, a young, black, recent college graduate. The novel follows Abigail as she embarks on a life that defies the norms of Washington society and as she finds herself plunged into a web of intrigue, politics, and conspiracy following the brutal murder of one of Lincoln's lead lawyers.

Carter creates a sweeping post-Civil War drama that explores the nature of presidential authority while offering readers a story of political suspense.

ALSO OF NOTE**Susan Rose-Ackerman**

International Handbook on the Economics of Corruption, Volume 2

*Edward Elgar, 2012***Edward Girardet '91 MSL**

The Essential Field Guide to Afghanistan, 4th edition

*The Essential Field Guides, 2012***Quintin Johnstone '51 JSD**

(with Curtis J. Berger and Marshall Tracht)

Land Transfer and Finance: Cases and Materials, Sixth Edition

*Aspen Publishers, 2011***Robert C. Post '77**

El Estado frente a la Libertad de Expresión

*University of Palermo Press, 2011***Karim Yousseff '02 LL.M., '08 JSD****Consent in Context:**

Fulfilling the Promise of International Arbitration

*West, 2011***Stephen Carter****The Impeachment of Abraham Lincoln***Knopf, 2012*

Yale Law School Prominent in Study of Most-Cited Law Review Articles

The Michigan Law Review published an article by YLS associate librarian Fred Shapiro (co-authored with Michelle Pearse of the Harvard Law Library) in its June 2012 issue, updating his 1985 and 1996 studies of the most-cited law review articles by using newer research tools more thorough and more accurate than anything previous. Yale Law School and present and former individual faculty members figure prominently in the results.

In the list of the 100 most-cited law review articles of all time, former dean Guido Calabresi '58 has the sixth most-cited article. Professor Owen Fiss has the 22nd most-cited piece, as well as the 27th, and is one of only five scholars with three publications on the all-time ranking.

There is also a list of the 100 most-cited articles of the last twenty years, intended to reflect the impact of scholarship created in the current era. Professor Akhil Amar '84 places third among individuals, with four articles on this recent-scholarship list. He is followed by Dean Robert Post '77 and Professors William Eskridge '78 and Reva Siegel '86 – these three are the only authors with three of the most-cited recent articles. Professor Dan Kahan and former Dean Harold Hongju Koh are among those with two of the most heavily cited recent pieces. Professor Christine Jolls co-authored the most-cited article of the last twenty years, and an article by Professor Henry Hansmann '74 has garnered the most social science citations of any article ever published in a student-edited law review. Yale Law School is first by a significant margin over any other law school in total number of faculty publications on the recent-articles list, both based on where authors were at time of publication and “where they are now.” More than 25 of the 100 recent articles were written by Yale Law School alumni.