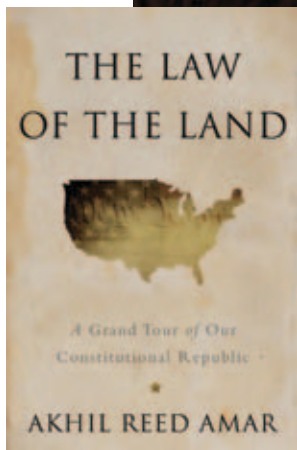


books in print

The Constitution of a Nation, State by State



(above) The first ever photo map of the contiguous United States assembled from satellite images, completed for NASA by the U.S. Department of Agriculture Soil Conservation Service Cartographic Division in 1974.

Although the United States has one Constitution, the laws of that document are viewed differently depending not only on the people interpreting it but the places from which they come. Would, for example, Abraham Lincoln have felt so strongly that secession was unconstitutional—that the Union preceded and superseded the States—if his geographical background were different?

In his book of essays *The Law of the Land*, Sterling Professor of Law Akhil Reed Amar '84 writes, "... consider how the world looked to Lincoln in 1861. His forebears came from several states—Kentucky, Virginia, Pennsylvania, and possibly New England as well.... He himself had lived in three states, having been born in Kentucky and having moved to Indiana at age seven and then on to Illinois as a young man. He and his family were first and foremost not Virginians, or Pennsylvanians, or New Englanders, or Kentuckian or Hoosiers or even Illinoisians. They were Americans."

The essays in *The Law of the Land* discuss the difference that states make on American jurisprudence. Each state has its own laws and culture, and these geographic and regional differences have impacted the nation throughout history. Amar's writing gives a view of the historical roots of, and contemporary solutions to, many important constitutional questions.

The three sections of the book focus on constitutional interpreters, constitutional cases, and constitutional provisions and principles. Each of the twelve essays in the book looks at a different state. In Florida, Amar breaks down the *Bush v. Gore* decision, with attention paid to Florida law and the Florida Constitution. In Texas, Amar looks at the Twenty-Fifth Amendment and how Kennedy's assassination affected the law of presidential succession.

Throughout his essays, Amar demonstrates how the nuances of law depend on geographical background and influences. "America's Constitution looks slightly different in each of the cities, states, and regions that make up this great land," he writes.

The Law of the Land is the third in an ongoing series of books by Amar, in addition to *America's Constitution: A Biography* (2005) and *America's Unwritten Constitution: The Precedents and Principles We Live By* (2012). ∞

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: lawreport@yale.edu.

Laura Appleman

Defending the Jury: Crime, Community, and the Constitution
Cambridge University Press, 2015



Appleman '98 presents a new template for criminal justice and punishment in the twenty-first century that integrates the community more fully into the process. The author gives a constitutional basis for expanding the Sixth Amendment jury trial right in order to incorporate citizens into the judicial process.

Valerie Belair-Gagnon

Social Media at BBC News: The Re-Making of Crisis Reporting
Routledge, 2015



Belair-Gagnon, executive director of the Information Society Project at Yale Law School, offers a historical account of how social media changed the BBC. As a result of significant lessons learned from the July 2005 London bomb attacks, and the overwhelming outpouring of emails, tweets, and posts from those impacted by that crisis, the BBC transformed its relationship to user-generated content. Using empirical analysis of crisis news production at the BBC, this book shows that the emergence of social media at the BBC and the need to manage this material led to a new media logic in which tech-savvy journalists take on a centrality in the newsroom.

John Bronsteen, Christopher Buccafusco, and Jonathan Masur

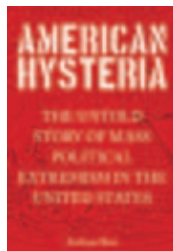
Happiness and the Law
The University of Chicago Press Books, 2014



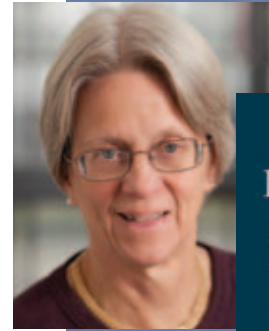
Bronsteen '01, Buccafusco, and Masur draw on research in psychology, neuroscience, and economics to assess how the law affects people's quality of life. Looking closely at prison sentences, for example, and how happy people feel in prison and after release, can impact the laws that determine the length of those sentences and the services for those released from prison. The authors hope that focusing more on happiness, rather than monetary results, can help create better laws and policies.

Andrew Burt

American Hysteria
Lyons Press, 2015



Looking at political movements from the eighteenth century to today, Burt '14 details the pivotal moments in extremism in American history. Burt argues that political hysteria arises in periods of profound uncertainty about American identity. When Americans lose the sense of who they are, they lash out against perceived threats in extreme ways.



Due Process of Lawmaking

The United States, South Africa, Germany, and the European Union



Susan Rose-Ackerman, Stefanie Egidy, and James Fowkes

CAMBRIDGE

Susan Rose-Ackerman, James Fowkes, and Stefanie Egidy

Due Process of Lawmaking: The United States, South Africa, Germany, and the European Union
Cambridge University Press, 2015

IN DUE PROCESS OF LAWMAKING, co-authors Susan Rose-Ackerman, Stefanie Egidy '11 LLM, and James Fowkes '10 LLM, '14 JD examine the law of lawmaking in a variety of national contexts. This comparative work deals broadly with public policymaking in the legislative and executive branches.

Due Process considers three aspects of public legitimacy: democracy, the protection of rights, and competence. These three facets overlap and conflict, in practice, and each system deals with the tension in different ways. Drawing on the insights of positive political economy, the authors attempt to explain the differences and to explicate the ways in which courts uphold these principles in the different systems. Judicial review in the American presidential system suggests lessons for the parliamentary systems in Germany and South Africa, while the experience of parliamentary government yields potential insights into the reform of the American law of lawmaking. Taken together, the national experiences shed light on the special case of the EU. In dialogue with each other, the case studies demonstrate the interplay between constitutional principles and political imperatives under a range of different conditions.

Ryan Craig

College Disrupted

Palgrave Macmillan Trade, 2015

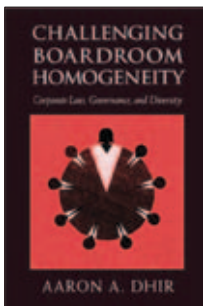


While some have predicted the imminent collapse of higher education, Craig '99 argues that colleges and universities can adapt and thrive in the changing culture. With further integration of technology and a shift away from four-year programs and toward unbundled course offerings, Craig describes a path forward for higher education.

Aaron Dhir

Challenging Boardroom Homogeneity: Corporate Law, Governance, and Diversity

Cambridge University Press, 2015

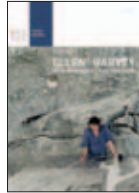


Dhir's book is a major empirical study of the two main regulatory models designed to address boardroom diversity—quotas and disclosure. Dhir, a senior research scholar at Yale Law School, conducted in-depth interviews with Norwegian corporate directors, male and female, about their experiences under Norway's controversial law—the very first quota on the books. Dhir offers new insights into the role law can play in reshaping the gendered dynamics of corporate governance cultures.

Ellen Harvey, with essays by Tessa Rosebrock, Filip L. Demeyer, Nav Haq, Till-Holger Borchert, and Hubert De Witte

The Unloved

Hannibal Publishing, 2015



The Unloved is a companion to the exhibit of the same name at the Groeningemuseum in Bruges created by artist Harvey '93. Harvey found herself drawn to the paintings in storage at the museum—the unpopular, unloved items that often remain unseen. She juxtaposed those artworks with maps of Bruges to raise questions of identity and value.

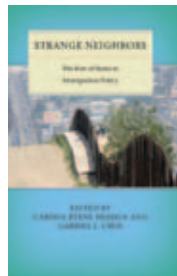
ings in storage at the museum—the unpopular, unloved items that often remain unseen. She juxtaposed those artworks with maps of Bruges to raise questions of identity and value.

Carissa Byrne Hessick and Gabriel J. Chin

Strange Neighbors:

The Role of States in Immigration Policy

NYU Press, 2014



Hessick '02 and Chin '95 LL.M. explore the complicated role of the states in immigration policy and enforcement. The book looks in particular at the struggle between federalism and states' rights where immigration law is concerned.

Emma Kaufman

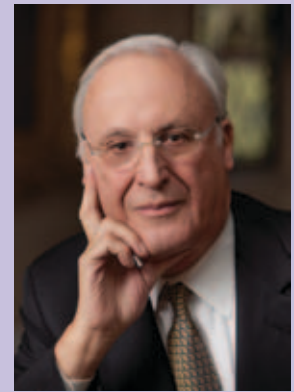
Punish and Expel:

Border Control, Nationalism, and the New Purpose of the Prison

Oxford University Press, 2015



Based on fieldwork in five prisons, Kaufman's '15 book gives the first comprehensive account of the imprisonment of non-citizens in the UK, describing indefinite detention practices that are hidden from public view. The British approach to detaining foreign nationals reflects a broader trend in punishment. Kaufman links prisons to the history of British colonialism and the contemporary politics of race.



Owen Fiss

Edited and with a Foreword by Trevor Sutton

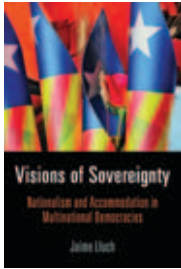
A War Like No Other:

The Constitution in a Time of Terror

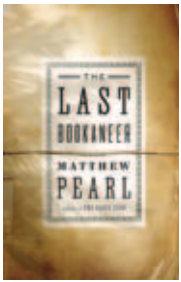
The New Press, 2015

OWEN FISS SURVEYS the major legal controversies post-9/11, from Guantánamo to drones, and including such cases as *Hamdi v. Rumsfeld* and *Boumediene v. Bush*. With attention to the freedoms lost, Fiss's essays follow the evolution of U.S. constitutional principles in the past decade. The author pays particular attention to the role the judiciary plays in mediating the relationship between the government and suspected terrorists. He also asks when the judiciary's responsibility to defend basic rights trumps presidential expertise in national security and foreign relations.

In his forward to the collection, editor Trevor Sutton '10 provides legal and historical context for the issues Fiss addresses: "Freedom of speech and association; due process; habeas corpus; the Fourth Amendment warrant requirement; even the prohibitions on torture and extrajudicial killings—the law governing these constitutional principles looks vastly different in 2015 than it did in the summer of 2001." [See page 23 for an excerpt from the forward by Sutton.]

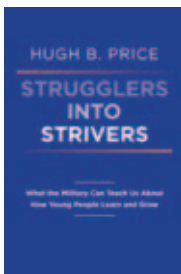
Jaime Lluich**Visions of Sovereignty:
Nationalism and Accommodation in
Multinational Democracies***University of Pennsylvania Press, 2014*

Lluich '89 provides a deep analysis of political activity within the Québécois and Catalanian national movements. This interdisciplinary study examines why some nationalists take a secessionist stance while others within the same movement chose non-secessionist approaches toward greater self-rule.

Matthew Pearl**The Last Bookaneer***Penguin Publishing Book, 2015*

In this novel, Pearl '00 follows the adventures of Pen Davenport, a bookaneer—or thief and peddler of literary manuscripts. Before the copyright laws change and eliminate his profession, Davenport attempts one final heist, of Robert Louis Stevenson's last book.

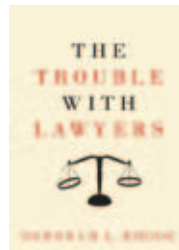
Davenport, his assistant, and a rival bookaneer set out for Samoa, where a dying Stevenson writes his novel.

Hugh B. Price**Strugglers into Strivers:
What the Military Can Teach Us
About How Young People
Learn and Grow***Small Batch Books, 2014*

Price '66 proposes a new school paradigm that is based on research and personal experience. By borrowing from the best of the U.S. military education and training methods, schools can help all students excel by emphasizing attributes such as responsible citizenship, community service, teamwork, self-discipline, and accountability.

Monroe Price**Free Expression, Globalism, and
the New Strategic Communication***Cambridge University Press, 2014*

Author Monroe Price '64 breaks down how changes in technology impact free speech. Entities rhetorically embrace a world of transparency while increasing surveillance and modes of control. Price looks at examples from the Arab Spring, the internet in China, Iran's perception of foreign broadcasting, and Russia's media interventions.

Deborah L. Rhode**The Trouble with Lawyers***Oxford University Press, 2015*

Rhode '77 details the many challenges facing the legal profession in the United States in this comprehensive report. Although law schools produce more lawyers than there are jobs available, the country struggles to provide accessible and affordable legal services. Professional organizations have failed to address these concerns. Rhode presents the structural problems in the current system and innovative solutions for the future.

Edward L. Rubin**Soul, Self, and Society:
The New Morality and the Modern State***Oxford University Press, 2015*

Rubin '79 argues that a new morality is developing, one centered on an ethos of human self-fulfillment. Looking at changes in morality through history, Rubin argues that a changing morality follows trends in governance. Where people once served the state, the state now functions to serve the people.

Gretchen Rubin**Better Than Before:
Mastering the Habits of
Our Everyday Lives***Crown Publishers, 2015*

In her third book on the nature of finding happiness, Gretchen Rubin '94 turns her attention to habits and how to change them. The author believes that self-awareness paves the way to rewriting one's habits. Rubin suggests twenty-one habit-changing strategies to use.

Ilya Somin**The Grasping Hand:
Kelo v. City of New London and
the Limits of Eminent Domain***University of Chicago Press, 2015*

An analysis of the controversial Supreme Court case, this book is a detailed study of the ruling on eminent domain. Ilya Somin '01 argues that the ruling in *Kelo* was an error that victimizes the poor and politically weak for the benefit of powerful interest groups. The book looks both at the case and the broader history of the dispute over public use and eminent domain.

Allan Topol

Washington Lawyer

SelectBooks, 2015



Topol's '65 eleventh novel is a political thriller set in DC. A senator's mistress dies, and while the politician tries to cover up the event with help from a powerful lawyer (and judicial hopeful), the victim's twin sister wants to uncover the truth of what happened.

Laurence H. Winer and Nina J. Crimm

God, Schools, and Government Funding:
First Amendment Conundrums

Ashgate Publishing, 2015



Winer '77 and Crimm describe the complex and controversial policy, legal, and constitutional issues involved in using tax expenditures to finance private, religious schooling, looking at cases such as *Arizona Christian School Tuition*

Organization v. Winn. The authors warn that such programs can create dissension and divisiveness through state aid for religious education.

Kenji Yoshino

Speak Now:

Marriage Equality on Trial

Crown, 2015



This book by Yoshino '96 tells the story of *Hollingsworth v. Perry*, which legalized gay marriage in California in 2010. In addition to his analysis of the legal process of the case, Yoshino tells his own story of falling in love, getting married, and raising children as a gay man.

ALSO OF NOTE

Steven Brill '75

America's Bitter Pill: Money, Politics, Back-Room Deals, and the Fight to Fix Our Broken Healthcare System

Random House, 2015

Martha F. Davis, Johanna Kalb '06, and Risa E. Kaufman

Human Rights Advocacy in the United States

West Academic Publishing, 2014

William Eskridge '78, Philip Frickey, Elizabeth Garrett, and James Brudney '79

Cases and Materials on Legislation and Regulation, fifth edition

West Academic Publishing, 2014

William Eskridge '78 and Abbe Gluck '00

Statutes, Regulation, and Interpretation

West Academic Publishing, 2014

Vincent R. Johnson '79 LLM

Advanced Tort Law:

A Problem Approach, second edition

LexisNexis, 2014

Vincent R. Johnson '79 LLM and Susan Saab Fortney

Legal Malpractice Law:

Problems and Prevention, second edition

West Academic Publishing, 2015

Owen Jones '91, Jeffrey Schall, and Francis Shen

Law and Neuroscience

Aspen Publishers, 2014

Robin Kelsey '94

Photography and the Art of Chance

Harvard University Press, 2015

Stephen Legomsky and Christina Rodriguez '00

Immigration and Refugee Law and Policy, sixth edition

Foundation Press, 2015

Jaime Lluch '89

Constitutionalism and the Politics of Accommodation in Multinational Democracies

Palgrave Macmillan Trade, 2014

Jerry L. Mashaw, Richard A. Merrill, Peter M. Shane '77, M. Elizabeth Magill, Mariano-Florentino Cuéllar '97, and Nicholas Parrillo '04

Administrative Law, the American Public Law System, seventh edition

West Academic Publishing, 2014

Saikrishna Bangalore Prakash '93

Imperial from the Beginning:

The Constitution of the Original Executive

Yale University Press, 2015

Detlev F. Vagts, William S. Dodge '91, Harold Koh, and Hannah Buxbaum

Transnational Business Problems, fifth edition

Foundation Press, 2014