

books in print

Law and Guido Calabresi



Guido Calabresi

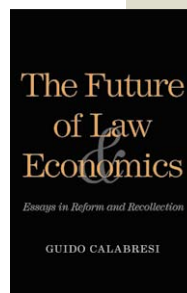
**The Future of Law & Economics:
Essays in Reform and Recollection**

Yale University Press, 2016

In his latest book, Sterling Professor Emeritus Guido Calabresi '58 discusses the nuances found within the law and economics movement, a theoretical mode of analysis that Calabresi himself pioneered in the mid-twentieth century.

Described by the University of Chicago's Sam Peltzman as "a collection of original essays by one of the towering figures in the development of the economic analysis of law," *The Future of Law & Economics* posits that there are two separate areas within the discipline, most clearly identified with the English philosophers Jeremy Bentham and John Stuart Mill. The Benthamite strain, according to Calabresi, understands that the law should be understood merely in the light of economic theory, and suggests ways in which economics might improve legal effectiveness. Such a theoretical mindset, he says in the book's first essay, "casts doubt upon, and often seeks reform of legal reality." The Millian strain, however, places economics and the law on more egalitarian footing. Coming from a more realistic and less theoretical understanding, this perspective is one of bilaterality, allowing for economic theory to be just as correctable as the law. It is this approach—from the legacy of Mill and in opposition to Bentham—for which Calabresi most clearly advocates.

The series of essays that follow arise from this distinction, and Calabresi discusses related topics such as altruism, merit goods, and the liability rule. Though ultimately a work of historical and contemporary legal-economic analysis, *The Future of Law & Economics* is decidedly forward-looking. In the concluding words of the book, Calabresi thoughtfully notes: "Economists, working with legal scholars, can, by making economic theory richer and more nuanced, make that theory more capable of responding to both these needs. They can do so without abandoning those limits that economics has traditionally, and understandably, placed on itself in order to retain its rigor. Law and Economics scholarship has done this to wonderful effect in the past. But there is much still to be done, and it is this that makes the future of Law and Economics so bright and exciting to me, an early tiller in the field."



Q and A with Guido Calabresi

GUIDO CALABRESI '58 is Sterling Professor Emeritus at Yale Law School and a senior judge on the United States Court of Appeals for the Second Circuit. A preeminent legal scholar, Calabresi served as dean of the Law School from 1985 to 1994 prior to his appointment on the Second Circuit. He began teaching at the Law School in 1959 at the age of 26, and is widely acknowledged as a leading figure in the field known as law and economics.

Yale Law Report In your view, what is the lawyer's unique role in changing, or even bettering, economics and economic theory?

Guido Calabresi Lawyers are like institutionalists. They're people of the world. When we look at the law, we see how the world has treated some situations. That enables us to see whether a theory—be it economics, philosophy, or another theory—really fits the world. And that gives us insights that are particularly useful to whatever theoretical field we're addressing.

The group of economists known as institutionalists argued that that's what should be done in economics. Ronald Coase was one of them, as was Walton Hamilton, who taught at Yale Law School. So why is it not their job to look at economic theory from the standpoint of the world and say what is wrong with it? Traditionally, institutional economists came from the left, and they were treated with suspicion by economic theorists for that reason. There was always the thought that they might say that the world doesn't fit for ideological reasons rather than for empirical reasons.

Lawyers are institutionalists but come from every possible point of view, and so one can't attack lawyers that way, which makes us much, much more useful.

That puts lawyers in a position to question any theory. I happen to be interested in questioning economic theory because that's what I've worked on, but also because it's been such a dominant part of legal scholarship in the last fifty or sixty years. The first thing that the lawyer does when looking at the world and seeing that the theory doesn't fit is to make demands of the theory: Why doesn't it fit? Is it the world that should be changed or is it something that's wrong with the theory? By making demands, it asks the theorists to rethink their theory.

In my recent book, I say: Isn't it interesting that economists seem to treat most goods either as a means of getting from here to here? Is it a useful way of delivering health care? Is it an efficient way of getting from point A to point B? Or they look at goods as ends. We want this. I like this. That's something I would like to have.

But when one looks instead at the world of law, one realizes that most goods are both ends and means. We like caviar because we like it, but it also feeds us. And almost everything is, to some extent, both. And this being "both" is something that economists haven't really thought about. It helps us to explain altruism. It helps us to explain any number of things. It asks economists to think about the theoretical implications of this more broadly. And that's why this book raises some deeper theoretical questions for economics. For example, once one talks about ends and means both, one looks at people like the great free market scholars F. A. Hayek and Milton Friedman and one realizes that they not only think that the market is an efficient way of delivering goods and services, but that they like it. Of course they like it, and that's one of the reasons they push for it. Conversely, Trotsky didn't just think command was an efficient way of delivering goods and services, he liked it!

The book also discusses the importance of looking at how not just the people who are negotiating something react—the person who is selling health care, or the person who would like to sell blood or a

kidney to somebody else, and the person who wants to buy it—but how third parties react, whether they are offended. Economic theory traditionally does not take into account what, in their own terms, they call third-party utilities. But one cannot discuss any number of things—why we prohibit the sale of blood or why we do things about healthcare or education—without realizing that the third party's values are part of the game, too.

YLR Your new book sketches the distinction between the Benthamite ("economic analysis of law") and the Millian ("law and economics") traditions of economic-legal analysis. Given your long scholarly history

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of advocating for Mill's approach, what do you think Bentham's analysis can offer to the continuing conversation about law and economics?

Calabresi The Benthamite tradition is very useful, first, for questioning, for demanding change. It says, "The past isn't necessarily right. It has to prove itself." And the second thing that the Benthamite tradition does is to ask, "Are people of the world looking at the world as it is, or are they missing something?"

Bentham was famous for pushing for reform. The theory demands change. The theory looks at what was there before and says, hey, this doesn't seem to work. And that's very powerful. One has a theory that is believed, whether it is Bentham or it is Chicago or is Marxist—but it looks at the world and it says there is something wrong. Being able to question what has been before is fundamental. It is what the "law and..." movements all began as. They didn't want to take law as a given, as necessarily right, rather than as the history of exploitation or as rules that make no sense, so it is a tremendous engine for

reform. The only problem from my Millian point of view is that sometimes the reform it seems to push for is simplistic unless one goes back and asks whether the theory is nuanced enough, or whether the world might represent, as Mills said, the whole unanalyzed experience of a human race. In Europe the notion was that law is unchanging, that law is what it should be, and that any scholarship that tried to change it was not scholarship—that was what Bentham and all similar theorists (and therefore economic analysis of law) rebelled against and said, let's question. If one takes the world as it is, law as it is, as unchanging, then one either has a tyranny of history, where history rules regardless,

or one has a tyranny of revolution because at a certain point people have had enough and they explode. "Écrasez l'Infâme" was the French phrase: Destroy the infamous, the indecent. And create a wholly new, revolutionary structure that rules thereafter.

When a theoretical Benthamite approach looks at the world, and the world doesn't fit, the second question it asks us to ask is: Am I actually seeing the world? Or is something about where I am looking from causing me to miss what is going on? The theory says something should be happening. It doesn't seem to be happening. But is it really not happening or am I only looking through blinders? For instance, am I looking only at appellate cases, and ignoring all that is decided administratively?

YLR What are the other scholarly disciplines that you could imagine as being important to strengthening the law and economics framework, with an eye toward the future development of and work within the field?

Calabresi When one does the law and economics approach, the Millian approach,

and one says the theory is not complex or nuanced enough to help explain what goes on, one asks a field to change itself. Sometimes that field, such as economics, can change itself. For example, Coase said if markets were costless, there would be no firms. There are firms. Is it really impossible for economic theory to treat markets as costing something? No, it's not impossible. It's a little more complicated, but it isn't that hard. And economic theory adjusted with tremendous help to it and to what it could say about the world.

I think the same is true about ends and means. I think the same is true about values. Third-party utilities are harder for economists to deal with. I would like them to try. But there are some things that are too difficult for that field.

What does it mean to say "too difficult for that field"? It means that it asks economists to do some things, which, if they did them, would no longer make economics the powerful discipline that it is. It would ask economics to make certain problematic assumptions, to be uncertain about certain things, not to be as rigorous as it is. At that point, economists can do one of two things. They can just throw their hands up and say, too bad. We're still going to do things the way we did before. Or they can say, we can do this much, but another field has to come in and do the part that we cannot do without being untrue to our own discipline.

What is that other field? Well, that depends on the particular question that one is asking. There are some things that economics can't answer where anthropology is the field that could help us enormously. I happen to think that that's the field that has been least examined from a "law and..." point of view. There have been some great lawyer-anthropologists, but there hasn't been the same systematic treatment that economics has given to law and law to economics. I think anthropology is a particularly useful one. But there are others. History, and seeing what historians have said. Literature—what the great canons of literature suggest. Whenever one finds that the theory of the field one is first applying, say, economics, doesn't explain the world, and the world says: to

explain what goes on and make sense, one would have to do certain things which that field cannot do. Then the question is what other field can help to do that.

YLR When considering your book's subtitle, "Essays in Reform and Recollection," how would you relate your own experiences as a student and scholar of law to the writing of this book?

Calabresi That takes us back a long way. The beginning of this is this kid (me) who had studied economics and had fallen in love with the most theoretical sides of economics. This theoretical side of economics seemed to me to be fun but not to explain the world adequately, not to be really useful. So I kind of *faute de mieux* came to law school. And I found myself in Jimmy James's [Fleming James, Jr.] torts class where all sorts of questions were being raised that Jimmy, as a great teacher, said we don't know the answers to, but which economic analysis of law gave the answers to as easily as could be. Now the reason that was so was because the materials that Jimmy James had put together derived from materials that had originally been put together by Walton Hamilton, an institutionalist economist, and Harry Shulman. Shulman, really, knew no more economics than James but the materials had been put together, by Hamilton, I think, to ask the questions. So that's how I started looking at torts law from an economic analysis point of view. And economics was able to explain things that most legal scholars had said could not be explained, like master-servant liability. Everybody in torts said there was no explanation for master-servant liability. Instead, from an economic analysis point of view, it was the easiest thing in the world to explain. But then immediately after, I saw that there were some things in that same theory, which when applied to law didn't explain the governing rules. I had been a little unhappy with economic theory from a realistic point of view, so that led me to say, "Is that theory necessarily right?" So, at the very beginning, I was both applying economic analysis of law and doing law and economics. I did this in my first year in law school.

I wrote the article "Some Thoughts on Risk Distribution and the Law of Torts," which came out a few weeks before, and independently of, Coase's great article, "The Problem of Social Cost," in 1960/1961. I had first written it in my second year in law school as my comment for a journal officership, from what I'd learned in torts. I got an officership, but the editors of the *Law Journal* didn't really like the comment because it was so new. Kids didn't understand it, and so I didn't publish it then. This was very lucky because if I had published it as a student piece, nobody would have read it. When I came back to teaching two years later, I published it as my first article. And since it came out at the same time as Coase, the whole place exploded and, among other things, I got tenure! That was the start.

The next thing that happened which pushed me in the direction of what I'm doing now, was the European reaction to the law and economics and economic analysis of law that I was doing. Europeans were very troubled originally. The thing that bothered them was: Aren't you really putting law in a subsidiary position? Doesn't law have something to offer on its own? The European tradition had been very much that "law must be right," that law can't be changed. And so, the notion, not only of looking at law from an outside theory perspective and thinking reform, as Bentham had advocated, but that reform would be dictated by a theory outside of law was something that was very troubling to people in Europe.

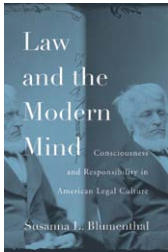
Well, I'm also European. From the very beginning, I started going back to Italy, where I was born. And I started feeling this sense of unease, fear, which interestingly, this particular book has in many Europeans kind of laid to rest. This book says law, and your notion that law has had something to tell us for a very long time and still does, is true. It discusses this in a systematic way by talking about law and economics, rather than economic analysis of law, and says the two things work together. This traditional European notion that law had things to say about the unanalyzed experience of the human race, and economic

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

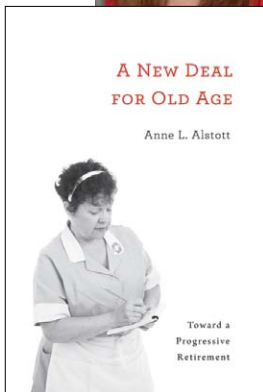
We welcome your submissions.
Please contact us: lawreport@yale.edu.

Susanna L. Blumenthal

**Law and the Modern Mind:
Consciousness and Responsibility in
American Legal Culture**
Harvard University Press, 2016

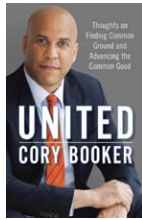


Blumenthal '96 discusses the consequences of post-revolutionary America's understanding of self-government as a dual political and psychological project. With a focus on adjudication in this formative era of American law, the author explains how early cases in this legal paradigm grew into a jurisprudence of insanity, while calling attention to the (often problematic) connections between the autonomous self and overarching questions of legal liability.



Cory Booker

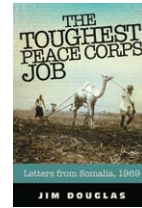
**United: Thoughts on Finding
Common Ground and
Advancing the Common Good**
Ballantine Books, 2016



U.S. Senator Booker '97 examines his own life trajectory—including his days at Yale Law School followed by his years of public service—in order to argue that empathy, responsibility, and action are the virtues needed to attain a common good for the future. Booker shares his understanding of not only the issues that are most important to him (such as the injustice of mass incarceration and the need for environmental care), but also the individuals throughout his life who played significant roles in shaping his civic vision.

Jim Douglas

**The Toughest Peace Corps Job:
Letters from Somalia, 1969**
Inkwater Press, 2016



Douglas '73 describes his Peace Corps experience in Somalia in 1969, drawn from his letters and correspondence of the time. From trying to plow with a camel and walking across the bush in flip flops to introducing dodgeball in a kids' prison, these letters and journal chronicle the experiences of a young man pushed to the limits of his idealism, inviting readers to ask: Are good intentions ever enough?

Lawrence Douglas

**The Right Wrong Man:
John Demjanjuk and the
Last Great Nazi War Crimes Trial**
Princeton University Press, 2016



Douglas '89 explores the complicated history of John Demjanjuk, the man at the center of the lengthiest Nazi war crimes case to arise from the Holocaust.

Anne L. Alstott

A New Deal for Old Age: Toward a Progressive Retirement
Harvard University Press, 2016

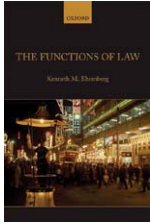
ANNE L. ALSTOTT '87, the Jacquin D. Bierman Professor in Taxation, argues in her new book, *A New Deal for Old Age*, that the creation of Social Security in the 1930s was a profound achievement worth preserving—but that the program has fallen out of step with the current realities of work and aging. Social Security once promised dignity in old age for rich and poor alike, but today that egalitarian promise is failing. Alstott recommends a progressive change that would shift retirement age depending on a worker's lifetime income and type of work. She also suggests a more equitable version of spousal benefits.

"The past fifty years have wrought a dramatic change in the experience of old age," Alstott says. "As a group, older Americans live longer, enjoy better health, and pursue a variety of work and retirement options. But old age unfolds very differently for the poor than for the rich." The gap is more than a matter of money: lifetime low earners face shorter life spans, worse health, higher rates of disability, and worse job options.

Alstott posits that without thoughtful reform, Social Security will fail Americans who find themselves on the wrong side of the new inequality. Alstott urges progressives to stop treating Social Security as untouchable. She believes the program already contains the seeds of progressive reform: contrary to popular belief, reforms can maintain universal retirement security while also directing extra benefits to the worst-off.

Kenneth M. Ehrenberg
The Functions of Law

Oxford University Press, 2016



In his new book, Ehrenberg '97 reviews critical theories of legal philosophy, posing the question, "What is the nature of law and what is the best way to discover it?" Ehrenberg posits that law is best understood as institution and artifact: as the

former, it's designed to be an essential arbiter in the management of status within a social contract, and as the latter, a tool of human creation that is designed to signal its usability to people who interact with it.

Chaihark Hahm and Sung Ho Kim
Making We the People: Democratic Constitutional Founding in Postwar Japan and South Korea
 Cambridge University Press, 2016



Hahm '87 LL.M. and Kim combine constitutional scholarship with political theory in order to understand just what it means to say "we the people" in the context of establishing a new constitution. By re-examining the politics of postwar Japan and Korea, the authors put

forth that the eponymous phrase can only come about by means of constitutionalism; in other words, the author of that document is just as constitutive as the political tendencies that underlie its broader democratic foundations.



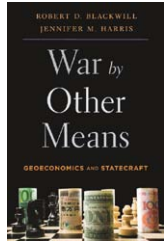
Michael J. Graetz
Follow the Money: Essays On International Taxation
 Yale Law Library, 2016

THIS BOOK BY MICHAEL J. GRAETZ, Justus S. Hotchkiss Professor of Law Emeritus, collects the author's essays written over the past two decades that examine issues surrounding international income taxation.

Publicity about tax avoidance techniques of multinational corporations and wealthy individuals has moved discussion of international income taxation from the backrooms of law and accounting firms to the front pages of news organizations around the world. In *Follow the Money: Essays On International Taxation*, Graetz reveals how current international tax policy came into place nearly a century ago, critiques the inadequate principles still being used to make international tax policy, identifies and dissects the most prevalent tax avoidance techniques, and offers important suggestions for reform.

Robert D. Blackwill and Jennifer M. Harris

War by Other Means: Geo-economics and Statecraft
 Belknap Press, 2016



Harris '09 and Blackwill describe how the United States, in failing to embrace the mode of statecraft in which economic instruments are employed to achieve geopolitical goals, is faltering as a world

power. Through an analysis of American history, systems, bureaucracy, and foreign policy since the end of World War II, they attempt to demonstrate that if the United States keeps turning toward military force instead of geo-economic warfare, its decline as a world power will be even more difficult to reverse.

Ellen Harvey
Museum of Failure

Gregory R. Miller & Co., 2015



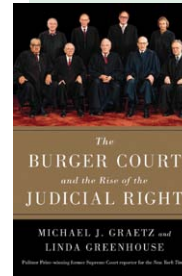
Museum of Failure is Harvey's '93 first major retrospective publication, exploring her vast array of artistic work from the past two decades. Taking its title from an ongoing project featured in the

2008 Whitney Biennial, the book examines the artist's painting, photography, and installations (among her other artistic media).

Michael J. Graetz and Linda Greenhouse

The Burger Court and the Rise of the Judicial Right
 Simon & Schuster, 2016

IN THEIR NEW BOOK, *The Burger Court and the Rise of the Judicial Right*, Justus S. Hotchkiss Professor Emeritus of Law



Michael J. Graetz and Knight Distinguished Journalist in Residence and Joseph Goldstein Lecturer in Law Linda Greenhouse '78 MSL put forth a new and comprehensive evaluation of the Warren Burger Supreme Court.

Though traditionally described as a moderate or transitional court, the authors demonstrate that the Burger Court was actually a conservative one whose constitutional decisions still impact the political landscape in which we live today.

Beginning with Richard Nixon's 1968 promise to move the Supreme Court away from the liberalism of the preceding Warren era, the authors describe how the Burger Court veered far to the right of the political spectrum in areas such as criminal law, race, and corporate power. Through an examination of the legal and political roots of some of the most significant Burger Court decisions, Graetz

and Greenhouse not only clarify this rightward judicial shift, but also demonstrate how these decisions affects us in the present day.



Graetz



Greenhouse

Gary Hart

The Republic of Conscience
Blue Rider Press, 2015

THE REPUBLIC
★ ★ ★ OF ★ ★ ★
CONSCIENCE
GARY
HART

Former U.S. Senator Hart '64 meditates on the ever-increasing divide between the United States Constitution's founding principles and the landscape that currently dominates the nation's political discourse.

Because narrow special interests have dominated America's government since the end of World War II, he notes that America and its governing institutions have fallen prey to the very corruption that the Constitution and the founding fathers sought to avoid at all costs.

Adam Haslett

Imagine Me Gone

Little, Brown & Company, 2016

IMAGI E
ME
GONE
A NOVEL
ADAM HASLETT

In Haslett's '02 second novel, Margaret and John are a young engaged couple when he is hospitalized for depression in 1960s London. Her decision to marry him, despite what she knows of his condition, sets into motion their family's reckoning with the bonds of duty, love, and loss. At

the heart of the story is their eldest son, Michael, a brilliant, anxious music fanatic, and the story of how, over the span of decades, his younger siblings struggle with their mother to care for Michael's increasingly troubled and precarious existence.

Ben W. Heineman, Jr.

**The Inside Counsel Revolution:
Resolving the Partner-Guardian Tension**
Ankerwycke, 2016

BEN W. HEINEMAN, JR.
THE
INSIDE
COUNSEL
REVOLUTION
RESOLVING THE
PARTNER-GUARDIAN
TENSION

Heineman '71 explores the rise of inside lawyers over the past twenty-five years. His work, grounded in his experience as GE's top lawyer for nearly two decades, examines the transformation of

inside counsel from second-class citizens in corporations to crucial members of the corporate structure. Building on this view of recent history, he describes the modern role of inside counsel, from their important functions to the values that they should hold as corporate citizens.

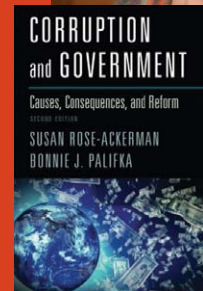
Susan Rose-Ackerman and Bonnie J. Palifka

**Corruption and Government:
Causes, Consequence, and Reform (2nd Edition)**
Cambridge University Press, 2016

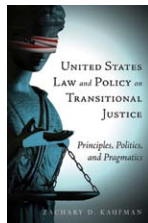
SUSAN ROSE-ACKERMAN, the Henry R. Luce Professor of Law and Political Science at Yale University, and Bonnie J. Palifka have published the second edition of *Corruption and Government: Causes, Consequence, and Reform*. The co-authors update Professor Rose-Ackerman's 1999 original to include the research explosion that accompanied the fall of the Berlin Wall, the founding of Transparency International, and the World Bank's decision to give anti-corruption policy a key place on its agenda.

The book focuses on the institutional and economic roots of corruption, both routine payoffs and "grand" corruption in contracting and privatization. It gives special attention to political corruption and to instruments of accountability. The authors have expanded the treatment of culture as a source of entrenched corruption and added chapters on criminal law, organized crime, and post-conflict societies. The authors outline domestic conditions for reform and discuss international initiatives, including both explicit anti-corruption policies supported by institutions, such as the World Bank and the OECD, and global efforts to constrain money laundering.

"Bonnie Palifka and I sought to incorporate the most important new work on the topic, to acknowledge progress in fighting corruption at the same time as we recognize that much more needs to be done," says Professor Rose-Ackerman. "This is a topic that is not likely to disappear any time soon as recent revelations involving the World Cup Football Association and the Panama Papers can attest."

**Zachary D. Kaufman**

**United States Law and Policy on
Transitional Justice:
Principles, Politics, and Pragmatics**
Oxford University Press, 2016

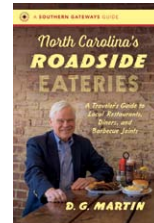


The U.S. government's support for and opposition to various transitional justice institutions is the focus of Kaufman's '09 latest book. In confronting the legalist paradigm in favor of his

own prudentialist theory, he explores six historical contexts—including post-World War II Japan and Germany, and the 1994 Rwandan genocide—in order to demonstrate that political and pragmatic factors overwhelmed normative beliefs in the United States' approach to such atrocities.

D. G. Martin

**North Carolina's Roadside Eateries:
A Traveler's Guide to Local Restaurants,
Diners, and Barbecue Joints**
The University of North Carolina Press, 2015

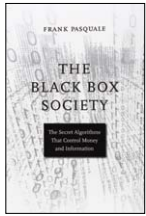


D. G. Martin '68 has spent years traveling the major roadways of North Carolina, on the lookout for community, local history, and great cooking. In his new book, Martin, the host of UNC-TV's North Carolina Bookwatch,

offers a personal tour of more than 100 notable local roadway haunts that serve not only as places to eat but also as fixtures of their communities—from BBQ joints and country kitchens to Mexican restaurants and Greek diners.

Frank Pasquale

**The Black Box Society:
The Secret Algorithms That Control
Money and Information**
Harvard University Press, 2015



Pasquale '01 explores the invasive world of corporate data-gathering, detailing the subtle ways in which Silicon Valley and Wall Street use hidden algorithms to control information, profits—and even the course of the entire economy—all while noting the inherent dangers of this troubling activity.

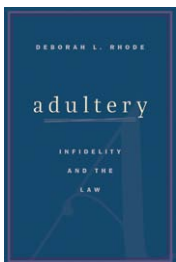
**Jerome H. Reichman, Paul F. Uhler,
and Tom Dedeurwaerdere**
**Governing Digitally Integrated Genetic
Resources, Data, and Literature:
Global Intellectual Property Strategies
for a Redesigned Microbial
Research Commons**
Cambridge University Press, 2016



Reichman '79, Uhler, and Dedeurwaerdere explore the legal framework regarding microbial genetic information, and the public research that surrounds that information. After undertaking a broad survey of these legal and scientific practices, the three authors put forth a new model for collaborative world-wide research and the easier exchange of scientific data and ideas across international boundaries.

Deborah L. Rhode

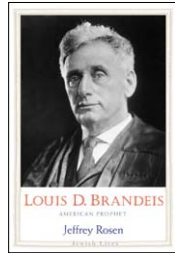
Adultery: Infidelity and the Law
Harvard University Press, 2016



Rhode '77 undertakes a new study of the legal and social consequences of adultery. In pursuing such an examination in the form of a comprehensive academic work, she calls for an end to the criminalization and state policing of the act, by means of the repeal of archaic adultery laws and prohibitions on polygamy.

Jeffrey Rosen

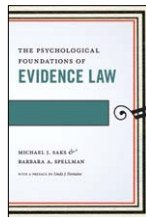
Louis D. Brandeis: American Prophet
Yale University Press, 2016



Published to commemorate the hundredth anniversary of his Supreme Court confirmation on June 1, 1916, *Louis D. Brandeis: American Prophet* argues that Brandeis was the most farseeing constitutional philosopher of the twentieth century. Combining narrative biography with a passionate argument for why Brandeis matters today, Rosen '91 explores what Brandeis can teach us about historic and contemporary questions involving the Constitution, monopoly, corporate and federal power, technology, privacy, free speech, and Zionism.

**Michael J. Saks and
Barbara A. Spellman**

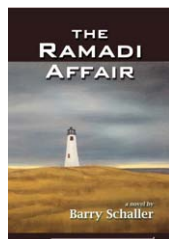
**The Psychological Foundations of
Evidence Law**
New York University Press, 2016



Saks '83 MSL and Spellman examine current psychological research in order to identify the choices underlying the rules of evidence. In examining the current state of the rules of evidence, the authors seek to suggest potential alternatives, grounded in psychology, that might aid the law in more successfully attaining its ultimate ends.

Barry Schaller

The Ramadi Affair
Quid Pro, 2016



In his novel, Schaller '63 tells the story of Connecticut judge David Lawson, a decorated veteran of Iraq, now thrust onto the national stage when the press learns he's up for an unexpected vacancy on the U.S. Supreme Court. Secrets from two decades ago in Ramadi threaten his nomination and call into question his moral judgment.

Allan Topol

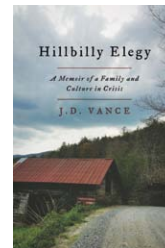
The Italian Divide
SelectBooks, 2016



In Topol's '65 twelfth novel, a prominent Italian banker is killed by Russian assassins operating out of China. It's up to a former CIA director and a journalist to uncover the network of corruption and deceit extant across the whole of Italy—with dire consequences on the international level.

J.D. Vance

**Hillbilly Elegy: A Memoir of
a Family and Culture in Crisis**
Harper, 2016



A meditation on the crumbling of a white working-class culture in the United States, Vance's '13 memoir explores the struggles of the Rust Belt town of his childhood, as well as his family's experience that led them there. While his poverty-stricken grandparents were able to escape the devastating confines of rural Kentucky and ultimately establish a middle-class home in Ohio, the family continued to contend with the legacy of their Appalachian past.

Ahmed White

**The Last Great Strike:
Little Steel, the CIO, and the Struggle
for Labor Rights in New Deal America**
University of California Press, 2016



White '94 explores the events of the May 1937 Little Steel Strike and its aftermath. In examining the corporate and governmental brutality in repressing the workers' union in the context of New Deal liberalism, he explicates the issues that industrial labor faced in the wake of the greed, steadfastness, and destructive power of the steel companies.

ALSO OF NOTE

**Robert C. Power and
Mark C. Alexander '92**

*A Short & Happy Guide
to the First Amendment*
West Academic Publishing, 2016

Edward H. Bonekemper III '67

*The Myth of the Lost Cause:
Why the South Fought the Civil War
and Why the North Won*
Regnery History, 2015

Lu-chu Chen '62 LL.M., '64 JSD

*An Introduction
to Contemporary International Law:
A Policy Oriented Perspective*
Oxford University Press, 2015

Lu-chu Chen '62 LL.M., '64 JSD

*The U.S.-Taiwan-China Relationship in
International Law and Policy*
Oxford University Press, 2016

Alan Dershowitz '62

*Abraham: the World's First
(But Certainly Not Last) Jewish Lawyer*
Schocken, 2016

**Ronald W. Duty and
Marie A. Failing '83 LL.M., eds.**

*On Secular Governance:
Lutheran Perspectives
on Contemporary Legal Issues*
Eerdmans, 2016

**Marie Failing '83 LL.M. and
Ezra Rosser, eds.**

*The Poverty Law Canon:
Exploring the Major Cases*
University of Michigan Press, 2016

Seth Frank '58

Baker's Dozen
New Eden Press, 2016

**David Fox and
Wolfgang Ernst '82 LL.M., eds.**

*Money in the Western Legal Tradition:
Middle Ages to Bretton Woods*
Oxford University Press, 2016

Risa Goluboff '00

*Vagrant Nation:
Police Power, Constitutional Change,
and the Making of the 1960s*
Oxford University Press, 2016

Felipe L. Gozon '65 LL.M.

*An Autobiography:
How GMA Network Became No. 1*
Vibal Foundation, Inc., 2014

**Anne M. Heinz and
John P. Heinz '62, eds.**

*Women, Work, and Worship
in Lincoln's Country:
The Dumville Family Letters*
University of Illinois Press, 2016

Alan Hruska '58

Pardon The Ravens
Prospect Park Books, 2015

**James S. Eustice,
Joel D. Kuntz '71, and
John A. Bogdanski**

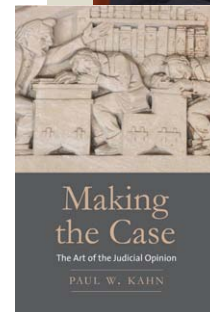
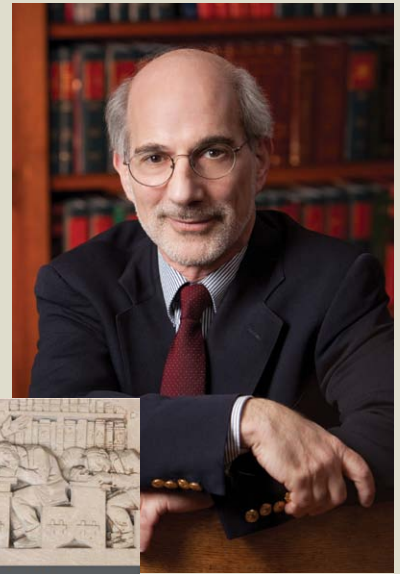
*Federal Income Taxation
of S Corporations (fifth edition)*
Thomson Reuters, 2016

**Mariana Mota Prado '02 LL.M., '08 JSD
and Michael J. Trebilcock**

*Advanced Introduction
to Law and Development*
Edward Elgar Publishing, 2014

Mordecai Rosenfeld '54

Cases I Lost and Other Injustices
Poetica Publishing, 2015



Paul W. Kahn

*Making the Case:
The Art of the Judicial Opinion*
Yale University Press, 2016

DRAWING ON thirty years of teaching at Yale, Paul W. Kahn '80, the Robert W. Winner Professor of Law and the Humanities, writes of legal pedagogy and legal argument in his tenth book, *Making the Case: The Art of the Judicial Opinion*. Law, he argues, should be approached as a set of argumentative resources. Only by learning how judges actually seek to persuade each other can students learn how to write and speak about the law.

As in his other books, Kahn takes a broad, interdisciplinary approach. He brings to his analysis of the judicial opinion a concern with narrative, voice, and structure. He explores the way in which doctrine develops and declines, as well as the importance of facts in constructing a context for decision.

The book stands in the tradition of Karl Llewellyn's *The Bramble Bush* and Edward Levi's *Introduction to Legal Reasoning*: legal scholarship that speaks simultaneously to students and professors as well as practitioners.