

Samuel Moyn

Humane:

**How the United States
Abandoned Peace
and Reinvented War**

Farrar, Straus and Giroux, 2021

The Humanity of War

A journey through modern warfare and its costs



In his latest book, *Humane: How the United States Abandoned Peace and Reinvented War*, Professor Samuel Moyn describes two weddings “separated by nine time zones.” His description of each wedding helps the reader feel like they are an invited guest. The similarities of the celebrations end with a stark revelation: The father of the bride in the American wedding paid for wedding videography that includes 15 minutes of an aerial feed from a drone. The guests at the Afghan wedding are also aware of a more sophisticated form of drone buzzing overhead that was not requested. “Afghan weddings all too often ended in a funeral. American counterterrorist strategy took advantage of the fact that nuptials drew senior terrorists from hiding,” Moyn writes.

Moyn takes the reader on a journey through the evolution of war and asks a troubling but urgent question: What if efforts to make war more ethical — to ban torture and limit civilian casualties — have only shored up the military enterprise and made it sturdier?

A popular movement to abolish war flourished on both sides of the Atlantic. Eventually, reformers shifted their attention from opposing the crime of war to opposing war crimes, with fateful consequences.

To advance this argument, Moyn looks back at a century and a half of passionate debate about the ethics of using force. A popular movement to abolish war flourished on both sides of the Atlantic. Eventually, reformers shifted their attention from opposing the crime of war to opposing war crimes, with fateful consequences, according to Moyn.

The ramifications of this shift became apparent after 9/11. By that time, the U.S. military had embraced the agenda of humane war, driven both by the availability of precision weaponry and the need to protect its image. The battle shifted from the streets to the courtroom, where the tactics of the war on terror were litigated, but its foundational assumptions went without serious challenge. These trends only accelerated during the Obama and Trump presidencies. Even as the two administrations spoke of American power and morality in radically different tones, they ushered in the second decade of the “forever” war.

Humane is the story of how America went off to fight and never came back, and how armed combat was transformed from an imperfect tool for resolving disputes into an integral component of the modern condition. As American wars have become more humane, they have also become endless. The book argues that this development might not represent progress at all.

The Press on *Humane*

“In a narrative of sweeping scope, Moyn charts the origins and growth of the project of humanizing war, from the 18th century to the present, and its occasionally tumultuous relationship with the ideal of peace.”

—Rayan Fakhoury, *Los Angeles Review of Books*

“Beyond being a meditation on the meaning of war, it is a history of the tension between pacifism and humanitarianism.” —Stephen Pomper, *Foreign Affairs*

“Arriving 20 years after 9/11, as the United States has withdrawn its troops from Afghanistan, *Humane* encourages readers to ask central questions too often lost amid the chatter of the foreign policy establishment.”

—Jennifer Szalai, *The New York Times*

“Moyn’s book will be of interest to war fighters and peacemakers alike.” —*Kirkus*

SPOTLIGHT

The Policy, Politics, and Law of the 50-Year Fight Against Cancer

How policy should interact with scientific developments

Five decades after the National Cancer Act of 1971 became law, a book reflects on 50 years of policymaking, law, research, and treatment in the fight against cancer.

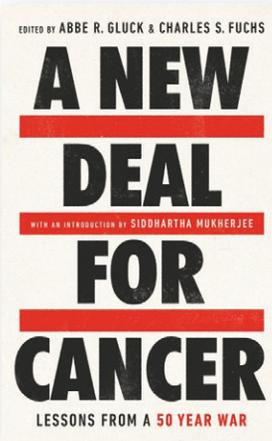


A New Deal for Cancer: Lessons from a 50 Year War examines the successes and failures of the landmark law, which set the course of the modern design of the National Cancer Institute and the cancer research and treatment landscape. The book is the first of its kind and is co-edited by Abbe R. Gluck ’00, Alfred M. Rankin Professor of Law and Faculty Director of the Solomon Center for Health Law and Policy, and Dr. Charles S. Fuchs, former Director of Yale Cancer Center and Physician-in-Chief of Smilow Cancer Hospital.

Gluck, Fuchs, and Solomon Center Associate Research Scholar Eugene Rusyn ’17 write in the introduction that they set out to explore “everything but the science” of cancer, even as science is necessarily at the heart of the book. That is because, they write, “fundamentally, the project of addressing cancer is about how policy on all levels — economic, social, medical, and regulatory — should interact with, support, and spread scientific developments.” The writers emphasize that policy, politics, and law can create obstacles to eradicating cancer *and* be the tools to lift those barriers, such as intolerable disparities in access to cancer treatment, regulatory fragmentation that slows cures, and skewed economic structures that prevent coherent pricing.

A New Deal for Cancer features contributions from leading experts, including Pulitzer Prize winner Siddhartha Mukherjee, Congresswoman Rosa DeLauro, and several major cancer center chiefs. They also include Yale Law School alumni such as Matt K. Nguyen ’19, who, with former Chief Medical Officer of the American Cancer Society

Otis Brawley, explores cancer care disparities; Arjun Mody ’20, who, together with several leading scientists at Memorial Sloan Kettering, looks at new legal and regulatory challenges posed for research by precision oncology; and Allison Rabkin Golden ’21 and former head of the Cancer Moonshot project Greg Simon, who delve into the president’s role in efforts to end cancer. Taken together, the essays show how far the war on cancer has gone and how much remains to be done.



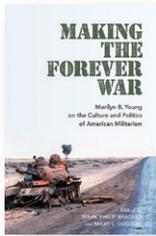
Abbe R. Gluck and Charles S. Fuchs, eds.

A New Deal for Cancer: Lessons from a 50 Year War

PublicAffairs, 2021

SURVEY OF BOOKS

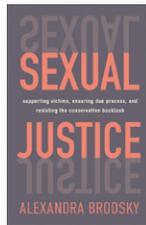
Here's just a sampling of the many other books recently written or edited by our alumni, faculty, staff, and students. We welcome your submissions. Please contact us: lawreport@yale.edu.



Mark Philip Bradley and Mary L. Dudziak, eds.
Making the Forever War: Marilyn B. Young on the Culture and Politics of American Militarism

University of Massachusetts Press, 2021

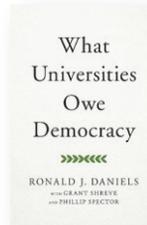
Co-editors Dudziak '84 and Bradley bring together many of the late scholar Marilyn B. Young's most important essays, which interrogate modern American projects of war and empire. The anthology features many of Young's writings on Korea, Vietnam, Afghanistan, and Iraq. Among other topics, her selected essays examine the cultural tendencies that justify war, trace how U.S. policymakers laid bare the foundations of perpetual war even before 9/11, and implicate public indifference in wartime atrocity.



Alexandra Brodsky
Sexual Justice: Supporting Victims, Ensuring Due Process, and Resisting the Conservative Backlash

Metropolitan Books, 2021

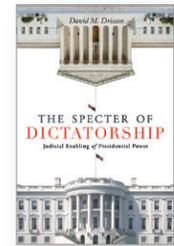
Brodsky '16 offers a blueprint of how to achieve the #MeToo movement's highest aspiration — justice for survivors of sexual harassment, assault, and abuse — while protecting due process for all. Drawing upon her activism and academic work, Brodsky rejects popular assumptions that pit the accuser's rights against those of the accused. *Sexual Justice* illuminates how institutions can establish adjudicatory processes that fortify due process, safeguard victims, and combat impunity.



Ronald J. Daniels with Grant Shreve and Phillip Spector
What Universities Owe Democracy

Johns Hopkins University Press, 2021

Johns Hopkins President Daniels '88 LLM joins Spector '00 and Shreve to argue that liberal democracies depend upon institutions of higher learning. Informed by their own campus leadership, the co-authors examine four ways in which universities sustain democracy: teaching productive citizenship, keeping the promise of social mobility, forging communities whose diversity reflects society, and defending facts. The authors contend that as democratizing institutions, universities must fight rising illiberalism around the world.



David M. Driesen
The Specter of Dictatorship: Judicial Enabling of Presidential Power

Stanford University Press, 2021

Driesen '89 diagnoses the unitary executive theory, which the Supreme Court has invoked to grant the president sweeping powers, as a mortal threat to American democracy. Driesen examines how autocrats are corroding democratic norms in Turkey, Poland, and Hungary to illustrate the risks of an unchecked White House. To prevent the executive from assuming dictatorial power, Driesen urges the judiciary to enforce constitutional safeguards and adopt an ethos of democratic preservation.



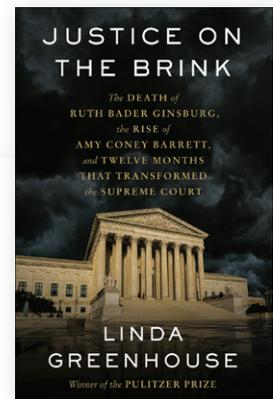
A Landmark Year

The effect of the Trump Administration on the U.S. Supreme Court

Veteran Supreme Court reporter and Lecturer in Law Linda Greenhouse '78 MSL chronicles the political tumult that rocked the Supreme Court's 2020–21 term in her new book, *Justice on the Brink: The Death of Ruth Bader Ginsburg, the Rise of Amy Coney Barrett, and Twelve Months that Transformed the Supreme Court*. Greenhouse asks if the court still bears Chief Justice John Roberts's ideological imprint — or whether it now orbits former President Donald Trump.

To answer that question, *Justice on the Brink* traces how the court's aura of insulation, long said to transcend the vagaries of politics, gave way last year. "2020–21 was the term the fourth wall disappeared," she argues.

Greenhouse wrote the chapters, each of which corresponds to a month, in real time. Her painstaking account grapples with Justice Ruth Bader Ginsburg's death, Justice Amy Coney Barrett's confirmation, the COVID-19 pandemic, and the January 6, 2021, insurrection as they unfolded.



Linda Greenhouse
Justice on the Brink: The Death of Ruth Bader Ginsburg, the Rise of Amy Coney Barrett, and Twelve Months that Transformed the Supreme Court

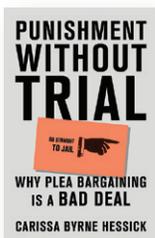
Random House, 2021



Philip Hamburger
**Purchasing Submission:
 Conditions, Power,
 and Freedom**

Harvard University Press, 2021

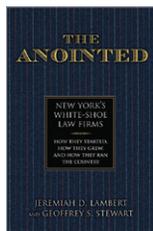
Hamburger '82 posits that the U.S. government routinely transgresses constitutional rights by conditioning the terms on which it grants federal dollars and other incentives. *Purchasing Submission* charts the extent to which the government compels public institutions, private entities, and even citizens to comply with its financial and regulatory conditions. Hamburger argues that those stipulations free the government of any meaningful check on its power — and proposes corrective steps.



Carissa Byrne Hessick
**Punishment Without Trial:
 Why Plea Bargaining Is a Bad Deal**

Abrams Press, 2021

Hessick '02 argues that plea bargaining, which prosecutors use to settle the overwhelming majority of criminal cases in the U.S., coerces innocent people to admit guilt. Using statistics, legal scholarship, and interviews, the author concludes that the practice has all but nullified the constitutional right to trial by jury. Hessick points to the disproportionate harm that plea bargaining inflicts on defendants of color and identifies policy changes that the public can demand.



Jeremiah D. Lambert and
 Geoffrey S. Stewart
**The Anointed:
 New York's White-Shoe Law
 Firms — How They Started,
 How They Grew, and How
 They Ran the Country**

Lyons Press, 2021

Lambert '59 and Stewart chronicle the rise of the nation's most enduring law firms, all situated in Manhattan: Sullivan & Cromwell, Cravath, Swaine & Moore, Davis Polk & Wardwell, and their ilk. *The Anointed* renders unsparingly the elite milieu in which the firms' founders — white, male, Protestant, and well pedigreed — worked, lived, and strove with and against one another.



Bruce Ledewitz
**The Universe Is on Our Side:
 Restoring Faith in
 American Public Life**

Oxford University Press, 2021

Ledewitz '77 argues that declining religiosity has fractured the shared commitments that long underpinned U.S. politics and public life. Citing Martin Luther King Jr. and theologian Bruce Lonergan, Ledewitz urges readers to consider what character they might discern in the universe. *The Universe Is on Our Side* gives hope for spiritual healing, even if institutional religion no longer animates the United States.

SPOTLIGHT

The Case for Stronger Public Participation in Executive Policymaking

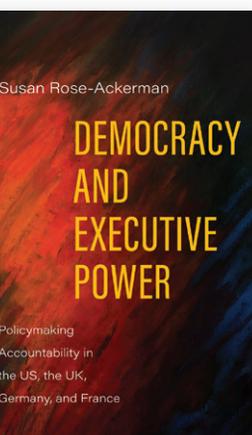


In *Democracy and Executive Power*, Professor Susan Rose-Ackerman argues that public participation in executive policymaking is an imperative of modern democratic government. The challenge is to open up the rulemaking process to ordinary citizens without sacrificing bureaucratic expertise. This is no easy task, and her book explores different ways in which France, Germany, the U.K., and the U.S. are confronting this balancing test. France and the U.S. are presidential systems; Germany and the U.K. are parliamentary systems. These differences allow Rose-Ackerman to consider how these contrasting constitutional traditions help to explain the different approaches taken by these leading Western democracies.

Rose-Ackerman undertakes a comparative analysis of policymaking in executive departments and independent agencies. This approach prepares the way for her to develop basic principles that could guide future reform efforts. Such efforts would recognize constitutional differences without assuming that they impose rigid limits to innovative responses.

Two basic issues complicate the problem, according to Rose-Ackerman. On one hand, ordinary citizens often don't have the technical knowledge necessary for constructive participation. On the other hand, presidents and prime ministers often override agency expertise and regulate crucial areas in ways that maximize partisan political objectives.

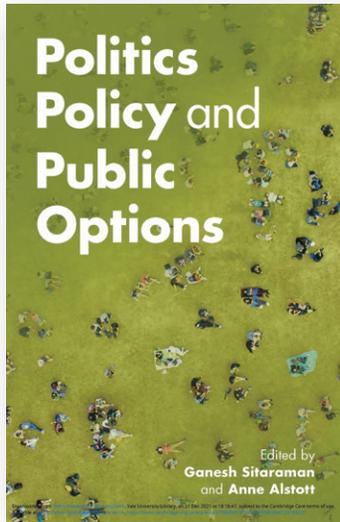
Rose-Ackerman argues that the American Administrative



Susan Rose-Ackerman
**Democracy and
 Executive Power:
 Policymaking
 Accountability in the U.S.,
 the U.K., Germany,
 and France**

Yale University Press, 2021

Procedure Act (APA) now provides a constructive response to both problems. She emphasizes, however, that both Democratic and Republican presidents have increasingly undermined these principles by unilateral interventions from the White House. She also discusses different ways to reinvigorate the APA in the real world of American government. Rose-Ackerman points to a host of wide-ranging experiments in public participation currently under way in Europe and the U.K. She assesses both the strengths and weaknesses of these attempts.



Anne Alstott and
Ganesh Sitaraman, eds.

**Politics, Policy,
and Public Options**

Cambridge University Press, 2021

An Interdisciplinary Look at Public Options

How public options could be a corrective
to the trend toward privatization and
subsidies



In their book *Politics, Policy, and Public Options*, Professor Anne Alstott '87 and co-editor Ganesh Sitaraman assemble a collection of scholars from across disciplines to explore the

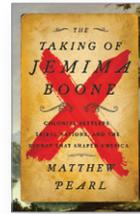
theory of the public option.

Public options are a longstanding feature of American life across sectors — not just in health care, although many people will associate the term with that context. Public options abound when the government provides a service that coexist with private alternatives, and examples range from libraries to swimming pools to the postal service.

The book follows up on Alstott's and Sitaraman's 2019 book, *The Public Option: How to Expand Freedom, Increase Opportunity, and Promote Equality* (Harvard University Press, 2019) in which they argued that the government could make even more use of public options to deliver services that improve the lives of all Americans — ranging from higher education to childcare to broadband.

The new book is the first interdisciplinary collection to assess public options as a single category and explores case studies to show how public options can be a balancing influence for the longstanding trend toward privatization and subsidies of services. Contributors to the book examine sectors such as postal banking, health care, insurance, education, and more.

SURVEY OF BOOKS

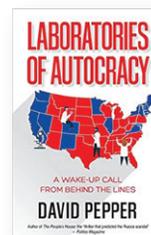


Matthew Pearl

**The Taking of Jemima Boone:
Colonial Settlers, Tribal
Nations, and the Kidnap that
Shaped America**

Harper, 2021

Pearl '00 recounts the 1776 capture of Jemima Boone, the teenage daughter of lionized frontier settler Daniel Boone. Pearl tells how Shawnee and Cherokee warriors seized Boone and two of her friends, documents how Daniel Boone found them, and unravels the political ramifications that followed. Pearl situates the narrative within Kentucky's colonial history, exploring the nuanced and often contested relationships that extended between the Cherokee, Shawnee, and colonial settlers.

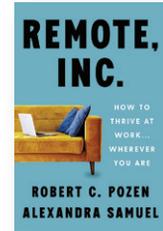


David Pepper

**Laboratories of Autocracy:
A Wake-Up Call from
Behind the Lines**

St. Helena Press, 2021

Pepper '99, former Chairman of the Ohio Democratic Party, argues that a decade-long, Republican-led campaign has honed state legislatures into the greatest danger facing American democracy. Pepper contends that statehouses, rife with corruption and captive to self-interest, paved the way for authoritarian challenges against the 2020 election, including the January 6 insurrection. As national redistricting battles loom, Pepper outlines how citizens can demand accountability and protect democracy across all 50 states.

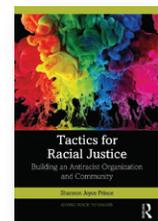


Robert C. Pozen and
Alexandra Samuel

**Remote, Inc.:
How to Thrive at Work...
Wherever You Are**

Harper Business, 2021

As COVID-19 saw millions of Americans working from home, Pozen '72, '73 JSD and Samuel show readers how to strike a balance, meet productivity goals, and find personal fulfillment in remote work. By adopting a small business owner's mindset, remote workers can bring their key deliverables into focus, meet employer expectations as they would a client's, and enjoy their work.

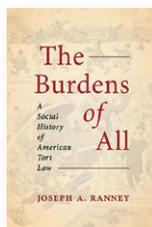


Shannon Joyce Prince

**Tactics for Racial Justice:
Building an Antiracist
Organization and Community**

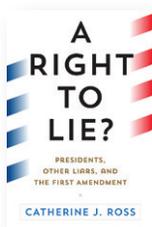
Routledge, 2021

Prince '17 crystallizes a set of antiracist strategies that readers can bring to their workplaces and communities. *Tactics for Racial Justice* recognizes that antiracist practices are skills that can be learned and honed. Prince elaborates a wide variety of tools, contexts, and scenarios, revealing how those committed to antiracism can uphold the principles of racial justice and equity, respond to instances of racism, hold colleagues and neighbors accountable, and transform the places where they work and live.



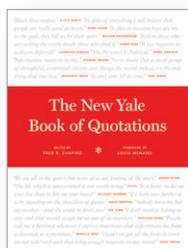
Joseph A. Ranney
The Burdens of All: A Social History of American Tort Law
Carolina Academic Press, 2021

Ranney '78 places tort law within the sweep of U.S. history, arguing that social movements both shape and absorb tort jurisprudence. Ranney's five-part chronology tracks how scholars, activists, and judges have enacted the principles of civil law, particularly the notion that those who suffer accidents or similar harms deserve recompense. Ranney argues that the schools of individualization and socialization have long battled over tort law, which remains contested today.



Catherine J. Ross
A Right to Lie? Presidents, Other Liars, and the First Amendment
University of Pennsylvania Press, 2021

Ross '87 considers whether the Constitution offers recourse when elected leaders propagate lies. Pointing to contemporary and historical examples, Ross devises a legal definition of "lie" and documents how falsehoods peddled from positions of authority harm the American public. In the absence of judicial precedent, she proposes holding officeholders — and their speech — accountable to the national good. The book confronts the danger that lies pose without dismissing the importance of free speech.



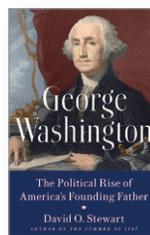
Fred R. Shapiro, ed.
The New Yale Book of Quotations
Yale University Press, 2021

For this new edition, Shapiro, Associate Director for Collections and Special Projects at the Lillian Goldman Law Library, has updated many quotations from the original book with more accurate wording and attribution. The book contains more than 13,000 quotations, arranged alphabetically by author and sourced from literature, history, popular culture, sports, digital culture, science, politics, the social sciences, and nearly all realms of human activity.



James Gustave Speth
They Knew: The U.S. Federal Government's Fifty-Year Role in Causing the Climate Crisis
MIT Press, 2021

Speth '69 argues that during the past 50 years, every U.S. presidential administration ignored compelling evidence of global warming, embraced the fossil-fuel industry, and compounded climate change. Informed by decades of public service and environmental activism, Speth details how Washington abdicated its responsibility to American citizens and the world.



David O. Stewart
George Washington: The Political Rise of America's Founding Father
Dutton, 2021

Stewart '78 charts how George Washington, whose military career had stagnated by the 1750s, contrived to become the most venerated general and civic leader in the American pantheon. Stewart argues that Washington's political instincts, which included learning from humiliating defeats, capitalizing on the Second Continental Congress, and crafting a public persona, propelled him to the presidency.



Katherine Wiltenburg Todrys
Black Snake: Standing Rock, the Dakota Access Pipeline, and Environmental Justice
Bison Books, 2021

Centering the experiences of four Indigenous women activists, Todrys '07 chronicles the 2016 Indigenous-rights movement that emerged at Standing Rock Sioux Reservation. *Black Snake* records how activists from more than 300 tribes organized against the Dakota Access Pipeline and captured global attention. Todrys, a human rights lawyer, deciphers the legal battles that impelled the movement, and documents the challenges that protestors overcame on the ground.

ALSO OF NOTE

Anver M. Emon '04 LLM, '09 JSD and Urfan Khaliq
Jurisdictional Exceptionalisms: Islamic Law, International Law and Parental Child Abduction
Cambridge University Press, 2021

Vincent R. Johnson '79 LLM
Legal Malpractice Law in a Nutshell (3rd edition)
West Academic Publishing, 2021

Vincent R. Johnson '79 LLM and Susan Saab Fortney
Legal Malpractice Law: Problems and Prevention (3rd edition)
West Academic Publishing, 2021

Daphné Richemond-Barak '01 LLM
Rosenne's The World Court: What It Is and How It Works (7th Edition)
Brill, 2021

Robert Smith '75
Suppressed: Confessions of a Former New York Times Washington Correspondent
Lyons Press, 2021

R.L. Sommer
 (Ronald Goldfarb '60 LLM, '62 JSD)
Courting Justice
Turner, 2021

Marc I. Steinberg '77 LLM
Rethinking Securities Law
Oxford University Press, 2021

Andrea E. Stumpf '87
Structuring International Partnership Programs: How to Design and Draft for Sustainability, Efficiency, and Development Impact: A Book for Builders
Bowker, 2021

Elizabeth Tan Tsai '65 LLM
A Grandmother's Diary
Modern Memoirs, 2021

Qian Julie Wang '12
Beautiful Country: A Memoir
Doubleday, 2021