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The Sleeping Sovereign

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This work explores the relationships between legal institutions and political and economic transformation. It argues that as law is enlisted to help produce the profound economic and sociotechnical shifts that have accompanied the emergence of the informational economy, it is changing in fundamental ways.

The Yale Biographical Dictionary of American Law

This seminal study addresses one of the most beautifully decorated 15th-century copies of the New Statutes of England, uncovering how the manuscript's unique interweaving of legal, religious, and literary discourses frames the reader's perception of the work. Taking internal and external evidence into account, Rosemarie McGerr suggests that the manuscript was made for Prince Edward of Lancaster, transforming a legal reference work into a book of instruction in kingship, as well as a means of celebrating the Lancastrians' rightful claim to the English throne during the Wars of the Roses. A Lancastrian Mirror for Princes also explores the role played by the manuscript as a commentary on royal justice and grace for its later owners and offers modern readers a fascinating example of the long-lasting influence of medieval manuscripts on subsequent readers.

Yale Law Journal: Volume 125, Number 7 - May 2016

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Since it first appeared in 1978, this seminal work by one of the foremost American legal minds of our age has dramatically changed the way the courts view government's role in private affairs. Now reissued with a new introduction and epilogue by the author, this classic shows how antitrust suits adversely affect the consumer by encouraging a costly form of protection for inefficient and uncompetitive small businesses. Robert Bork's view of antitrust law has had a profound impact on how the law has been both interpreted and applied. The Antitrust Paradox illustrates how the purpose and integrity of law can be subverted by those who do not understand the reality law addresses or who seek to make it serve unintended political and social ends. - Back cover.

This book is the first to gather in a single volume concise biographies of the most eminent men and women in the history of American law. Encompassing a wide range of individuals who have devised, replenished, expounded, and explained law, The Yale Biographical Dictionary of American Law presents succinct and lively entries devoted to more than 700 subjects selected for their significant and lasting influence on American law. Casting a wide net, editor Roger K. Newman includes individuals from around the country, from colonial times to the present, encompassing the spectrum of ideologies from left-wing to right, and including a diversity of racial, ethnic, and religious groups. Entries are devoted to the living and dead, the famous and infamous, many who upheld the law and some who

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broke it. Supreme Court justices, private practice lawyers, presidents, professors, journalists, philosophers, novelists, prosecutors, and others--the individuals in the volume are as diverse as the nation itself. Entries written by close to 600 expert contributors outline basic biographical facts on their subjects, offer well-chosen anecdotes and incidents to reveal accomplishments, and include brief bibliographies. Readers will turn to this dictionary as an authoritative and useful resource, but they will also discover a volume that delights and entertains. Listed in The Yale Biographical Dictionary of American Law: John Ashcroft Robert H. Bork Bill Clinton Ruth Bader Ginsburg Patrick Henry J. Edgar Hoover James Madison Thurgood Marshall Sandra Day O'Connor Janet Reno Franklin D. Roosevelt Julius and Ethel Rosenberg John T. Scopes O. J. Simpson Alexis de Tocqueville Scott Turow And more than 700 others

The Yale Law Journal

Among books of similar scope, this is the recognized American classic. Those who read this book will have the strange privilege of thinking things together in the law from the beginning of written history to the moment Pound sent his writings to the printer. Through this writing of Pound's they can see what it is to deal with the whole objective world in the law as a freeman should, knowing how things have happened fortunately or unfortunately, logically or through some kind of hardly explicable human conduct.

51 Imperfect Solutions

The contents of the October 2015 issue (Volume 125, Number 1) are: Articles • Against Immutability, by Jessica A. Clarke • The President and Immigration Law Redux, by Adam B. Cox & Cristina M. Rodríguez Essay • Which Way To Nudge? Uncovering Preferences in the Behavioral Age, by Jacob Goldin Note • Saving 60(b)(5): The Future of Institutional Reform Litigation, by Mark Kelley Comment • Interbranch Removal and the Court of Federal Claims: “Agencies in Drag,” by James Anglin Flynn Quality ebook formatting includes fully linked footnotes and an active Table of Contents (including linked Contents for all individual Articles, Notes, and Essays), proper Bluebook formatting, and active URLs in footnotes. This is the first issue of academic year 2015-2016.

Misdemeanorland

In this book, the author traces the history of American federal thought from its colonial beginnings in scattered provincial responses to British assertions of authority, to its emergence in the late eighteenth century as a normative theory of multilayered government. The core of this new federal ideology was a belief that multiple independent levels of government could legitimately exist within a single polity, and that such an arrangement was not a defect but a virtue.

Yale Law Journal

Between Truth and Power

America's criminal justice system reflects irrational fears stoked by politicians seeking to win election. Pointing to specific policies that are morally problematic and have failed to end the cycle of recidivism, Rachel Barkow argues that reform guided by evidence, not politics and emotions, will reduce crime and reverse mass incarceration.

History of the Yale Law School

The Antitrust Paradox

The Poverty of Privacy Rights makes a simple, controversial argument: Poor mothers in America have been deprived of the right to privacy. The U.S. Constitution is supposed to bestow rights equally. Yet the poor are subject to invasions of privacy that can be perceived as gross demonstrations of governmental power without limits. Courts have routinely upheld the

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constitutionality of privacy invasions on the poor, and legal scholars typically understand marginalized populations to have "weak versions" of the privacy rights everyone else enjoys. Khiara M. Bridges investigates poor mothers' experiences with the state—both when they receive public assistance and when they do not. Presenting a holistic view of just how the state intervenes in all facets of poor mothers' privacy, Bridges shows how the Constitution has not been interpreted to bestow these women with family, informational, and reproductive privacy rights. Bridges seeks to turn popular thinking on its head: Poor mothers' lack of privacy is not a function of their reliance on government assistance—rather it is a function of their not bearing any privacy rights in the first place. Until we disrupt the cultural narratives that equate poverty with immorality, poor mothers will continue to be denied this right.

Locking Up Our Own

Yale Law Journal: Volume 125, Number 2 - November 2015

Collecting Yale Law Library's picture books / Michael Widener -- Reflections on an exhibition / Mark S. Weiner -- Ars Memoria in early law : looking beneath the picture / Jolande Goldberg -- Law's picture books and the history of book illustration

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/ Erin C. Blake -- Law's picture books: The Yale Law Library collection. Symbolizing the law -- Depicting the law -- Diagramming the law -- Calculating the law -- Staging the law -- Inflicting the law -- Arguing the law -- Teaching the law -- Laughing-and crying-at the law -- Beautifying the law

Plea Bargaining's Triumph

It cannot be fair that wealthy people enjoy better legal outcomes. That is why Frederick Wilmot-Smith argues that justice requires equal access to legal resources. At his most radical, he urges us to rethink the centrality of the market to legal systems, so that those without means can secure justice and the rich cannot escape the law's demands.

Law's Picture Books

A criminal defense attorney, sociologist, and legal scholar takes readers inside New York City's lower criminal courts.

Equal Justice

What will happen to American democracy? The nation's past holds vital clues for

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understanding where we are now and where we are headed. In *The Cycles of Constitutional Time*, the eminent constitutional theorist Jack Balkin explains how America's constitutional system changes through the interplay among three cycles: the rise and fall of dominant political parties, the waxing and waning of political polarization, and alternating episodes of constitutional decay and constitutional renewal. If America's politics seems especially fraught today, it is because we are nearing the end of the Republican Party's political dominance, at the height of a long cycle of political polarization, and suffering from an advanced case of what he calls "constitutional rot." In fact, when people talk about constitutional crisis, Balkin explains, they are usually describing constitutional rot--the historical process through which republics become less representative and less devoted to the common good. Brought on by increasing economic inequality and loss of trust, constitutional rot threatens our constitutional system. But Balkin offers a message of hope: We have been through these cycles before, and we will get through them again. He describes what our politics will look like as polarization lessens and constitutional rot recedes. Balkin also explains how the cycles of constitutional time shape the work of the federal courts and theories about constitutional interpretation. He shows how the political parties have switched sides on judicial review not once but twice in the twentieth century, and what struggles over judicial review will look like in the coming decades. Drawing on literatures from history, law, and political science, this is a fascinating ride through American history with important lessons for the present and the future.

Yale Law Journal: Volume 125, Number 3 - January 2016

The entity that became the Yale Law School started life early in the nineteenth century as a proprietary school, operated as a sideline by a couple of New Haven lawyers. The New Haven school affiliated with Yale in the 1820s, but it remained so frail that in 1845 and again in 1869 the University seriously considered closing it down. From these humble origins, the Yale Law School went on to become the most influential of American law schools. In the later nineteenth century the School instigated the multidisciplinary approach to law that has subsequently won nearly universal acceptance. In the 1930s the Yale Law School became the center of the jurisprudential movement known as legal realism, which has ever since shaped American law. In the second half of the twentieth century Yale brought the study of constitutional and international law to prominence, overcoming the emphasis on private law that had dominated American law schools. By the end of the twentieth century, Yale was widely acknowledged as the nation's leading law school. The essays in this collection trace these notable developments. They originated as a lecture series convened to commemorate the tercentenary of Yale University. A distinguished group of scholars assembled to explore the history of the School from the earliest days down to modern times. This volume preserves the highly readable format of the original lectures, supported with full scholarly citations. Contributors to this volume are Robert W. Gordon, Laura Kalman, John H. Langbein, Gaddis Smith, and Robert Stevens, with an introduction by Anthony T. Kronman.

The Cycles of Constitutional Time

"In this original, far-reaching, and timely book, Justice Stephen Breyer examines the work of the Supreme Court of the United States in an increasingly interconnected world, a world in which all sorts of activity, both public and private--from the conduct of national security policy to the conduct of international trade--obliges the Court to understand and consider circumstances beyond America's borders. It is a world of instant communications, lightning-fast commerce, and shared problems (like public health threats and environmental degradation), and it is one in which the lives of Americans are routinely linked ever more pervasively to those of people in foreign lands. Indeed, at a moment when anyone may engage in direct transactions internationally for services previously bought and sold only locally (lodging, for instance, through online sites), it has become clear that, even in ordinary matters, judicial awareness can no longer stop at the water's edge. To trace how foreign considerations have come to inform the thinking of the Court, Justice Breyer begins with that area of the law in which they have always figured prominently: national security in its constitutional dimension--how should the Court balance this imperative with others, chiefly the protection of basic liberties, in its review of presidential and congressional actions? He goes on to show that as the world has grown steadily "smaller," the Court's horizons have inevitably expanded: it has been obliged to consider a great many more matters that now cross borders. What is the geographical reach of an

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American statute concerning, say, securities fraud, antitrust violations, or copyright protections? And in deciding such matters, can the Court interpret American laws so that they might work more efficiently with similar laws in other nations? While Americans must necessarily determine their own laws through democratic process, increasingly, the smooth operation of American law--and, by extension, the advancement of American interests and values--depends on its working in harmony with that of other jurisdictions. Justice Breyer describes how the aim of cultivating such harmony, as well as the expansion of the rule of law overall, with its attendant benefits, has drawn American jurists into the relatively new role of "constitutional diplomats," a little remarked but increasingly important job for them in this fast-changing world."--Publisher's description.

Fidelity & Constraint

The contents of the November 2015 issue of the Yale Law Journal (Volume 125, Number 2) include: Articles • "The Un-Territoriality of Data," by Jennifer Daskal • "Political Entrenchment and Public Law," by Daryl Levinson & Benjamin I. Sachs Review • "18 Years On: A Re-Review," by Richard A. Posner Note • "Financing the Class: Strengthening the Class Action Through Third-Party Investment," by Tyler W. Hill Comment • "Law Enforcement and Data Privacy: A Forward-Looking Approach," by Reema Shah Quality ebook formatting includes fully linked footnotes and an active Table of Contents (including linked Contents for individual Articles and

Notes), proper Bluebook formatting, and active URLs in footnotes. This is the second issue of Volume 125, academic year 2015-2016.

The Assault on American Excellence

The fundamental fact about our Constitution is that it is old -- the oldest written constitution in the world. The fundamental challenge for interpreters of the Constitution is how to read that old document over time. In *Fidelity & Constraint*, legal scholar Lawrence Lessig explains that one of the most basic approaches to interpreting the constitution is the process of translation. Indeed, some of the most significant shifts in constitutional doctrine are products of the evolution of the translation process over time. In every new era, judges understand their translations as instances of "interpretive fidelity," framed within each new temporal context. Yet, as Lessig also argues, there is a repeatedly occurring countermove that upends the process of translation. Throughout American history, there has been a second fidelity in addition to interpretive fidelity: what Lessig calls "fidelity to role." In each of the cycles of translation that he describes, the role of the judge -- the ultimate translator -- has evolved too. Old ways of interpreting the text now become illegitimate because they do not match up with the judge's perceived role. And when that conflict occurs, the practice of judges within our tradition has been to follow the guidance of a fidelity to role. Ultimately, Lessig not only shows us how important the concept of translation is to constitutional

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interpretation, but also exposes the institutional limits on this practice. The first work of both constitutional and foundational theory by one of America's leading legal minds, *Fidelity & Constraint* maps strategies that both help judges understand the fundamental conflict at the heart of interpretation whenever it arises and work around the limits it inevitably creates.

Yale Law School and the Sixties

One of the world's leading law journals is available as an ebook. This issue of *The Yale Law Journal* (the sixth of Volume 122, academic year 2012-2013) features new articles and essays on law and legal theory by internationally recognized scholars. Contents include an article analyzing rape-by-deception and the mythical idea of sexual autonomy, by Jed Rubenfeld; an essay on extortion and the principle of abuse of property right, by Larissa Katz; and a book review essay on the new generation of civil rights lawyers and the construction of racial identity, by Anthony Alfieri and Angela Onwuachi-Willig. The issue also features extensive student research, in the form of Notes and Comments, on such cutting-edge subjects as mandatory arbitration and contract procedure; the concept of ride-through in bankruptcy law as an economic good; kidney allocation and the limits of age discrimination law; and how civil law jurisdictions treat amici curiae parties and briefs. Quality ebook formatting includes fully linked notes and an active Table of Contents (including linked Contents for individual articles and essays), as well as

active URLs in notes.

The Yale Law Journal; Volume 7

This issue of the Yale Law Journal include these contents: • Essay, "Fiduciary Political Theory: A Critique," by Ethan J. Leib and Stephen R. Galoob • Note, "The Modification of Decrees in the Original Jurisdiction of the Supreme Court," by James G. Mandilk In addition, the issue includes an extensive collection of Features by leading scholars, entitled "A Conversation on Title IX," growing out of an event sponsored by the Journal. Contributors include Michelle J. Anderson, Adele P. Kimmel, Catharine A. MacKinnon, Dana Bolger, Zoe Ridolfi-Starr, and Alyssa Peterson & Olivia Ortiz. Subjects of these essays include institutional liability, costs of liability and schools' financial obligations, transparency in campus reporting, adjudicative processes, and using Title IX for preventing the bullying of LGBT students. This is the seventh issue of academic year 2015-2016. Quality formatting includes linked notes and an active Table of Contents (including linked Contents for individual articles), as well as active URLs in footnotes and proper Bluebook style.

The Yale Law Journal; Volume 3

In America's Constitution, one of this era's most accomplished constitutional law

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scholars, Akhil Reed Amar, gives the first comprehensive account of one of the world's great political texts. Incisive, entertaining, and occasionally controversial, this "biography" of America's framing document explains not only what the Constitution says but also why the Constitution says it. We all know this much: the Constitution is neither immutable nor perfect. Amar shows us how the story of this one relatively compact document reflects the story of America more generally. (For example, much of the Constitution, including the glorious-sounding "We the People," was lifted from existing American legal texts, including early state constitutions.) In short, the Constitution was as much a product of its environment as it was a product of its individual creators' inspired genius. Despite the Constitution's flaws, its role in guiding our republic has been nothing short of amazing. Skillfully placing the document in the context of late-eighteenth-century American politics, America's Constitution explains, for instance, whether there is anything in the Constitution that is unamendable; the reason America adopted an electoral college; why a president must be at least thirty-five years old; and why—for now, at least—only those citizens who were born under the American flag can become president. From his unique perspective, Amar also gives us unconventional wisdom about the Constitution and its significance throughout the nation's history. For one thing, we see that the Constitution has been far more democratic than is conventionally understood. Even though the document was drafted by white landholders, a remarkably large number of citizens (by the standards of 1787) were allowed to vote up or down on it, and the document's

later amendments eventually extended the vote to virtually all Americans. We also learn that the Founders' Constitution was far more slavocratic than many would acknowledge: the "three fifths" clause gave the South extra political clout for every slave it owned or acquired. As a result, slaveholding Virginians held the presidency all but four of the Republic's first thirty-six years, and proslavery forces eventually came to dominate much of the federal government prior to Lincoln's election. Ambitious, even-handed, eminently accessible, and often surprising, America's Constitution is an indispensable work, bound to become a standard reference for any student of history and all citizens of the United States.

An Introduction to the Philosophy of Law

Cover -- Half Title -- Title -- Copyright -- Dedication -- Contents -- Acknowledgments -- Introduction -- PART ONE: SEPARATION-OF-POWERS MULTIPLICITY -- Prelude -- 1 Political Institutions in the Public Sphere -- 2 The Role of Congress -- PART TWO: CONGRESSIONAL HARD POWERS -- 3 The Power of the Purse -- 4 The Personnel Power -- 5 Contempt of Congress -- PART THREE: CONGRESSIONAL SOFT POWERS -- 6 The Freedom of Speech or Debate -- 7 Internal Discipline -- 8 Cameral Rules -- Conclusion: Toward a Normative Evaluation -- Notes -- Index -- A -- B -- C -- D -- E -- F -- G -- H -- I -- J -- K -- L -- M -- N -- O -- P -- Q -- R -- S -- T -- U -- V -- W -- Y -- Z

Representing Justice

Unger criticizes the dominant, rationalizing style of legal doctrine, with its obsessional focus upon adjudication and its urge to suppress or contain conflict or contradiction in law. He shows how we can turn legal analysis into a way of talking about the alternative institutional futures of a democratic society. The programmatic proposals of Unger's *Politics* are here placed within a wider field of possibilities.

What Should Legal Analysis Become?

The December 2014 issue of *The Yale Law Journal* (the 3rd of academic year 2014-2015) features new articles on law and legal theory by internationally recognized scholars. Contents include: • Article, "The Limits of Enumeration," by Richard Primus • Article, "Rules Against Rulification," by Michael Coenen • Feature, "Romanticizing Democracy, Political Fragmentation, and the Decline of American Government," by Richard H. Pildes • Note, "A 'Full and Fair' Discussion of Environmental Impacts in NEPA EISs: The Case for Addressing the Impact of Substantive Regulatory Regimes," by Sarah Langberg • Note, "Civil Servant Suits," by Alex Hemmer • Comment, "Jagged Edges," by Matthew Sipe • Comment, "Essential Data," by Zachary Abrahamson This quality ebook edition features

linked notes, active Contents, active URLs in notes, and proper Bluebook formatting. The Dec. 2014 issue is Volume 124, Number 3.

The Court and the World

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The Ideological Origins of American Federalism

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Richard Tuck traces the history of the distinction between sovereignty and government and its relevance to the development of democratic thought. Tuck shows that this was a central issue in the political debates of the seventeenth and eighteenth centuries, and provides a new interpretation of the political thought of Bodin, Hobbes and Rousseau. Integrating legal theory and the history of political thought, he also provides one of the first modern histories of the constitutional referendum, and shows the importance of the United States in the history of the referendum. The book derives from the John Robert Seeley Lectures delivered by Richard Tuck at the University of Cambridge in 2012, and will appeal to students and scholars of the history of ideas, political theory and political philosophy.

Yale Law Journal: Volume 123, Number 7 - May 2014

When we think of constitutional law, we invariably think of the United States Supreme Court and the federal court system. Yet much of our constitutional law is not made at the federal level. In *51 Imperfect Solutions*, U.S. Court of Appeals Judge Jeffrey S. Sutton argues that American Constitutional Law should account for the role of the state courts and state constitutions, together with the federal courts and the federal constitution, in protecting individual liberties. The book tells four stories that arise in four different areas of constitutional law: equal protection; criminal procedure; privacy; and free speech and free exercise of religion. Traditional accounts of these bedrock debates about the relationship of the

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individual to the state focus on decisions of the United States Supreme Court. But these explanations tell just part of the story. The book corrects this omission by looking at each issue-and some others as well-through the lens of many constitutions, not one constitution; of many courts, not one court; and of all American judges, not federal or state judges. Taken together, the stories reveal a remarkably complex, nuanced, ever-changing federalist system, one that ought to make lawyers and litigants pause before reflexively assuming that the United States Supreme Court alone has all of the answers to the most vexing constitutional questions. If there is a central conviction of the book, it's that an underappreciation of state constitutional law has hurt state and federal law and has undermined the appropriate balance between state and federal courts in protecting individual liberty. In trying to correct this imbalance, the book also offers several ideas for reform.

The Poverty of Privacy Rights

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Yale Law Journal: Volume 124, Number 3 - December 2014

This issue of the Yale Law Journal (the third issue of academic year 2015-2016) features articles and essays by notable scholars, as well as extensive student research. Contents include: • Article, "Corporate Control and Idiosyncratic Vision," by Zohar Goshen & Assaf Hamdani • Essay, "The Domestic Analogy Revisited: Hobbes on International Order," by David Singh Grewal • Note, "Repairing the Irreparable: Revisiting the Federalism Decisions of the Burger Court," by David Scott Louk • Note, "Reconciling the Crime of Aggression and Complementarity: Unaddressed Tensions and a Way Forward," by Julie Veroff • Comment, "Unpacking Wolf Packs," by Carmen X.W. Lu • Comment, "Jurisdictional Rules and Final Agency Action," by Sundeep Iyer Quality digital edition includes active Contents for the issue and for individual articles, linked footnotes, active URLs in notes, and proper

digital and Bluebook presentation from the original edition.

The Yale law journal

“I want to call it a cry of the heart, but it’s more like a cry of the brain, a calm and erudite one.” —Peggy Noonan, *The Wall Street Journal* The former dean of Yale Law School argues that the feverish egalitarianism gripping college campuses today is a threat to our democracy. College education is under attack from all sides these days. Most of the handwringing—over free speech, safe zones, trigger warnings, and the babying of students—has focused on the excesses of political correctness. That may be true, but as Anthony Kronman shows, it’s not the real problem. “Necessary, humane, and brave” (Bret Stephens, *The New York Times*), *The Assault on American Excellence* makes the case that the boundless impulse for democratic equality gripping college campuses today is a threat to institutions whose job is to prepare citizens to live in a vibrant democracy. Three centuries ago, the founders of our nation saw that for this country to have a robust government, it must have citizens trained to have tough skins, to make up their own minds, and to win arguments not on the basis of emotion but because their side is closer to the truth. Without that, Americans would risk electing demagogues. Kronman is the first to tie today’s campus clashes to the history of American values, drawing on luminaries like Alexis de Tocqueville and John Adams to argue that our modern controversies threaten the best of our intellectual

traditions. His tone is warm and wise, that of an educator who has devoted his life to helping students be capable of living up to the demands of a free society—and to do so, they must first be tested in a system that isn't focused on sympathy at the expense of rigor and that values excellence above all.

The Schoolhouse Gate

The development of the modern Yale Law School is deeply intertwined with the story of a group of students in the 1960s who worked to unlock democratic visions of law and social change that they associated with Yale's past and with the social climate in which they lived. During a charged moment in the history of the United States, activists challenged senior professors, and the resulting clash pitted young against old in a very human story. By demanding changes in admissions, curriculum, grading, and law practice, Laura Kalman argues, these students transformed Yale Law School and the future of American legal education. Inspired by Yale's legal realists of the 1930s, Yale law students between 1967 and 1970 spawned a movement that celebrated participatory democracy, black power, feminism, and the counterculture. After these students left, the repercussions hobbled the school for years. Senior law professors decided against retaining six junior scholars who had witnessed their conflict with the students in the early 1970s, shifted the school's academic focus from sociology to economics, and steered clear of critical legal studies. Ironically, explains Kalman, students of the

1960s helped to create a culture of timidity until an imaginative dean in the 1980s tapped into and domesticated the spirit of the sixties, helping to make Yale's current celebrity possible.

Fundamental Legal Conceptions as Applied in Judicial Reasoning

By mapping the remarkable run of the icon of Justice, a woman with scales and sword, and by tracing the development of public spaces dedicated to justice—courthouses—the authors explore the evolution of adjudication into its modern form as well as the intimate relationship between the courts and democracy. The authors analyze how Renaissance “rites” of judgment turned into democratic “rights,” requiring governments to respect judicial independence, provide open and public hearings, and accord access and dignity to “every person.” With over 220 images, readers can see both the longevity of aspirations for justice and the transformation of courts, as well as understand that, while venerable, courts are also vulnerable institutions that should not be taken for granted.

Prisoners of Politics

A Lancastrian Mirror for Princes

Though originally an interloper in a system of justice mediated by courtroom battles, plea bargaining now dominates American criminal justice. This book traces the evolution of plea bargaining from its beginnings in the early nineteenth century to its present pervasive role. Through the first three quarters of the nineteenth century, judges showed far less enthusiasm for plea bargaining than did prosecutors. After all, plea bargaining did not assure judges “victory”; judges did not suffer under the workload that prosecutors faced; and judges had principled objections to dickering for justice and to sharing sentencing authority with prosecutors. The revolution in tort law, however, brought on a flood of complex civil cases, which persuaded judges of the wisdom of efficient settlement of criminal cases. Having secured the patronage of both prosecutors and judges, plea bargaining quickly grew to be the dominant institution of American criminal procedure. Indeed, it is difficult to name a single innovation in criminal procedure during the last 150 years that has been incompatible with plea bargaining’s progress and survived.

Yale Law Journal: Volume 125, Number 1 - October 2015

The May 2014 issue of The Yale Law Journal features new articles and essays on

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law and legal theory by internationally recognized scholars. Contents include: • Article, "Illegitimate Borders: Jus Sanguinis Citizenship and the Legal Construction of Family, Race, and Nation," by Kristin Collins • Article, "Legitimacy and Federal Criminal Enforcement Power," by Lauren M. Ouziel • Feature, "The Age of Consent," by Philip C. Bobbitt • Review, "Judging Justice on Appeal," by Marin K. Levy • Note, "The Growth of Litigation Finance in DOJ Whistleblower Suits: Implications and Recommendations," by Mathew Andrews • Note, "Reducing Inequality on the Cheap: When Legal Rule Design Should Incorporate Equity as Well as Efficiency," by Zachary Liscow • Note, "Domestic Violence Asylum After Matter of L-R-," by Jessica Marsden • Comment, "Beating Blackwater: Using Domestic Legislation to Enforce the International Code of Conduct for Private Military Companies," by Reema Shah This quality ebook edition features linked notes, active Contents, active URLs in notes, and proper Bluebook formatting. This May 2014 issue is Volume 123, Number 7.

Congress's Constitution

A Washington Post Notable Book of the Year A New York Times Book Review Editors' Choice An award-winning constitutional law scholar at the University of Chicago (who clerked for Judge Merrick B. Garland, Justice Stephen Breyer, and Justice Sandra Day O'Connor) gives us an engaging and alarming book that aims to vindicate the rights of public school students, which have so often been

undermined by the Supreme Court in recent decades. Judicial decisions assessing the constitutional rights of students in the nation's public schools have consistently generated bitter controversy. From racial segregation to unauthorized immigration, from antiwar protests to compulsory flag salutes, from economic inequality to teacher-led prayer--these are but a few of the cultural anxieties dividing American society that the Supreme Court has addressed in elementary and secondary schools. *The Schoolhouse Gate* gives a fresh, lucid, and provocative account of the historic legal battles waged over education and illuminates contemporary disputes that continue to fracture the nation. Justin Driver maintains that since the 1970s the Supreme Court has regularly abdicated its responsibility for protecting students' constitutional rights and risked transforming public schools into Constitution-free zones. Students deriving lessons about citizenship from the Court's decisions in recent decades would conclude that the following actions taken by educators pass constitutional muster: inflicting severe corporal punishment on students without any procedural protections, searching students and their possessions without probable cause in bids to uncover violations of school rules, random drug testing of students who are not suspected of wrongdoing, and suppressing student speech for the viewpoint it espouses. Taking their cue from such decisions, lower courts have upheld a wide array of dubious school actions, including degrading strip searches, repressive dress codes, draconian "zero tolerance" disciplinary policies, and severe restrictions on off-campus speech. Driver surveys this legal landscape with eloquence, highlights the

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gripping personal narratives behind landmark clashes, and warns that the repeated failure to honor students' rights threatens our basic constitutional order. This magisterial book will make it impossible to view American schools--or America itself--in the same way again.

America's Constitution

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The yale law journal

In recent years, America's criminal justice system has become the subject of an increasingly urgent debate. Critics have assailed the rise of mass incarceration, emphasizing its disproportionate impact on people of color. As James Forman, Jr., points out, however, the war on crime that began in the 1970s was supported by many African American leaders in the nation's urban centers. In *Locking Up Our Own*, he seeks to understand why. Forman shows us that the first substantial cohort of black mayors, judges, and police chiefs took office amid a surge in crime and drug addiction. Many prominent black officials, including Washington, D.C.

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mayor Marion Barry and federal prosecutor Eric Holder, feared that the gains of the civil rights movement were being undermined by lawlessness—and thus embraced tough-on-crime measures, including longer sentences and aggressive police tactics. In the face of skyrocketing murder rates and the proliferation of open-air drug markets, they believed they had no choice. But the policies they adopted would have devastating consequences for residents of poor black neighborhoods. A former D.C. public defender, Forman tells riveting stories of politicians, community activists, police officers, defendants, and crime victims. He writes with compassion about individuals trapped in terrible dilemmas—from the men and women he represented in court to officials struggling to respond to a public safety emergency. *Locking Up Our Own* enriches our understanding of why our society became so punitive and offers important lessons to anyone concerned about the future of race and the criminal justice system in this country.

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