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The Ages of American Law
Stanford University Press
Federalism is regarded as one of the signal American contributions to modern politics. Its origins are typically traced to the drafting of the Constitution, but the story began decades before the delegates met in Philadelphia. In this groundbreaking book, Alison LaCroix 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. This belief became a foundational principle and aspiration of the American political enterprise. LaCroix thus challenges the traditional account of republican ideology as the single dominant framework for eighteenth-century American political thought. Understanding the emerging federal ideology returns constitutional thought to the central place that it occupied for the founders. Federalism was not a necessary adaptation to make an already designed system work; it was the system. Connecting the colonial, revolutionary, founding, and early national periods in one

story reveals the fundamental reconfigurations of legal and political power that accompanied the formation of the United States. The emergence of American federalism should be understood as a critical ideological development of the period, and this book is essential reading for everyone interested in the American story.

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

Originally published at the height of the Watergate crisis, Charles Black's classic *Impeachment: A Handbook* has long been the premier guide to the subject of presidential impeachment. Now thoroughly updated with new chapters by Philip Bobbitt, it remains essential reading for every concerned citizen. Praise for *Impeachment*: "To understand impeachment, read this book. It shows how the rule of law limits power, even

of the most powerful, and reminds us that the impact of the law on our lives ultimately depends on the conscience of the individual American."--Bill Bradley, former United States senator "The most important book ever written on presidential impeachment."--Lawfare "A model of how so serious an act of state should be approached."--Wall Street Journal "A citizen's guide to impeachment. . . . Elegantly written, lucid, intelligent, and comprehensive."--New York Times Book Review "The finest text on the subject I have ever read."--Ben Wittes *The National Security Constitution* Cambridge University Press Following its publication in 1974, Grant Gilmore's compact portrait of the development of American law from the eighteenth century to the mid-twentieth century became a classic. In this new edition, the portrait is brought up to date with a new chapter by Philip Bobbitt that surveys the trajectory of American law since the original publication. Bobbitt also provides a Foreword on Gilmore and the celebrated lectures that inspired *The Ages of American Law*. "Sharp, opinionated, and as pungent as cheddar."--New Republic "This book has the engaging qualities of good

table talk among a group of sophisticated and educated friends—given body by broad learning and a keen imagination and spiced with wit."—Willard Hurst *The Poverty of Privacy Rights* Yale University Press Reviews innovations in policing over the last four decades, bringing together top policing scholars to discuss whether police should adopt these approaches. *The International Criminal Court* Oxford University Press Through a critical study of Shaw's opinions, Levy sheds light on how his peers perceived rights, duties, and liabilities, the roles of government, and the nature of law itself. Overall, the opinions of Justice Shaw illuminate how liberty and order were comparatively valued, which interests were deemed important enough to secure in legal moorings, and where the points of social tension, growth, and power were rooted. *Prisoners of Politics* Yale University Press This book takes the reader on a sweeping tour of the international legal field to reveal some of the patterns of difference, dominance, and disruption that belie international law's claim to

universality. Pulling back the curtain on the "divisible college of international lawyers," Anthea Roberts shows how international lawyers in different states, regions, and geopolitical groupings are often subject to distinct incoming influences and outgoing spheres of influence in ways that reflect and reinforce differences in how they understand and approach international law. These divisions manifest themselves in contemporary controversies, such as debates about Crimea and the South China Sea. Not all approaches to international law are created equal, however. Using case studies and visual representations, the author demonstrates how actors and materials from some states and groups have come to dominate certain transnational flows and forums in ways that make them disproportionately influential in constructing the "international." This point holds true for Western actors, materials, and approaches in general, and for Anglo-American (and sometimes French) ones in particular. However, these patterns are set for disruption. As the world moves past an era of Western dominance and toward greater multipolarity, it is imperative for international lawyers to understand the perspectives and

approaches of those coming from diverse backgrounds. By taking readers on a comparative tour of different international law academies and textbooks, the author encourages them to see the world through the eyes of others -- an essential skill in this fast changing world of shifting power dynamics and rising nationalism.

The Yale Law Journal
Princeton University Press

A brilliant work from the most influential philosopher since Sartre. In this indispensable work, a brilliant thinker suggests that such vaunted reforms as the abolition of torture and the emergence of the modern penitentiary have merely shifted the focus of punishment from the prisoner's body to his soul.

Our Undemocratic
Constitution Harvard
University Press

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POWERS

MULTIPLICITY --
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Reconstructing
American Law Oxford
University Press
Of the nearly five
thousand cases
presented to the
Supreme Court each
year, less than 5
percent are granted
review. How the Court
sets its agenda,
therefore, is perhaps as
important as how it
decides cases. H. W.
Perry, Jr., takes the
first hard look at the
internal workings of the
Supreme Court,
illuminating its agenda-
setting policies,
procedures, and
priorities as never
before. He conveys a
wealth of new
information in clear
prose and integrates
insights he gathered in
unprecedented
interviews with five

justices. For this unique
study Perry also
interviewed four U.S.
solicitors general,
several deputy
solicitors general,
seven judges on the
D.C. Circuit Court of
Appeals, and sixty-four
former Supreme Court
law clerks. The clerks
and justices spoke
frankly with Perry, and
his skillful analysis of
their responses is the
mainspring of this book.
His engaging report
demystifies the Court,
bringing it vividly to life
for general readers--as
well as political
scientists and a wide
spectrum of readers
throughout the legal
profession. Perry not
only provides
previously unpublished
information on how the
Court operates but also
gives us a new way of
thinking about the
institution. Among his
contributions is a
decision-making model
that is more convincing
and persuasive than the
standard model for
explaining judicial
behavior.

Sex and Reason Harvard
University Press
A leading legal scholar

provides a highly original comparative analysis of how justice is administered in legal systems around the world and of the profound and often puzzling changes taking place in civil and criminal procedure.

Constructing a conceptual framework of the legal process based on the link between politics and justice, Mirjan R.

Damaska provides a new perspective that enables disparate procedural features to emerge as fascinating recognizable patterns. His book is "a significant work of scholarship . . . full of important insights."—Harold J.

Berman

The Law of the

Commonwealth and Chief

Justice Shaw Yale

University Press

Robert Nozicka s

Anarchy, State, and Utopia is a powerful, philosophical challenge to the most widely held political and social positions of our age ---- liberal, socialist and conservative.

The Ideological Origins of American Federalism Quid Pro Books

Law and Society Today is a problem-oriented survey of sociolegal studies, with a unique emphasis on recent historical and political

developments. Whereas other texts focus heavily on criminal procedure, this book foregrounds the significant changes of the 2000s and 2010s, including neoliberalism, migration, multiculturalism, and the large influence of law and economics in law teaching, policy debates, and judicial decision-making. Each chapter presents key concepts, real-world applications, and hypothetical problems that allow students to test comprehension. With an integrated approach to theory and practice and written in an accessible tone, this text helps students recognize the dynamic forces that shape the way the law is constructed and implemented, particularly how law drives social inequality.

States of Dependency
Oxford University Press on Demand

A universal criminal court : the emergence of an idea -- The global civil society campaign -- The victory : the independent prosecutor -- The defeat : no universal jurisdiction -- The controversy : gender and forced pregnancy -- The missed chance : banning weapons -- A global civil society achievement : why rejoice?

Domestic Violence and the Law Harvard University Press
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.

Police Innovation Yale University Press

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 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.

Representing the Race
Yale University Press
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 dickerings 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.

Discipline and Punish
University of Pennsylvania Press
This issue of the *Yale Law Journal* (the sixth issue of academic year 2015-2016) features articles and essays by notable scholars, as well as extensive student research. The issue's contents include: Article, "Administrative Forbearance," by Daniel T. Deacon Essay, "The New Public," by Sarah A.

Seo The student contributions are: Note, "How To Trim a Christmas Tree: Beyond Severability and Inseverability for Omnibus Statutes," by Robert L. Nightingale Note, "Border Checkpoints and Substantive Due Process: Abortion in the Border Zone," by Kate Huddleston Comment, "The State's Right to Property Under International Law," by Peter Tzeng Quality digital editions include 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. A Republic of Statutes Routledge The proper construction of the compensation clause of the Constitution has emerged as the central legal issue of the environmental revolution, as property owners have challenged a steady stream of environmental statutes that have cut deeply into traditional notions of property rights. When may they justly demand that the state compensate them for the sacrifices they are called upon to make

for the common good? Ackerman argues that there is more at stake in the present wave of litigation than even the future shape of environmental law in the United States. To frame an adequate response, lawyers must come to terms with an analytic conflict that implicates the nature of modern legal thought itself. Ackerman expresses this conflict in terms of two opposed ideal types--Scientific Policymaking and Ordinary Observing--and sketches the very different way in which these competing approaches understand the compensation question. He also tries to demonstrate that the confusion of current compensation doctrine is a product of the legal profession's failure to choose between these two modes of legal analysis. He concludes by exploring the large implications of such a choice--relating the conflict between Scientific Policymaking and Ordinary Observing to fundamental issues in economic analysis, political theory, metaethics, and the philosophy of language.

Yale Law Journal: Volume 125, Number 5 - March 2016 Vintage 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 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.

Apollo's Arrow Quid Pro Books

Sexual drives are rooted in biology, but we don't act on them blindly. Indeed, as the eminently readable judge and legal scholar Richard Posner shows, we make quite rational choices about sex, based on the costs and benefits perceived. Drawing on the fields of biology, law, history, religion, and economics, this sweeping study examines societies from ancient Greece to today's Sweden and issues from masturbation, incest taboos, date rape, and gay marriage to Baby M. The first comprehensive approach to sexuality and its social controls, Posner's rational choice theory surprises, explains, predicts, and totally absorbs.