Law

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Consensus on the United States Supreme Court
Pamela C. Corley, Amy Steigerwalt, and Artemus Ward

Drawing on data from the U.S. Supreme Court database, internal court documents, and the justices’ private papers, The Puzzle of Unanimity is the first comprehensive account of how the Court reaches consensus. Pamela Corley, Amy Steigerwalt, and Artemus Ward propose and empirically test a theory of consensus; they find consensus is a function of multiple, concurrently-operating forces that cannot be fully accounted for by ideological attitudes. In this thorough investigation, the authors conclude that consensus is a function of the level of legal certainty and its ability to constrain justices’ ideological preferences.

“In The Puzzle of Unanimity, the authors skillfully probe the sources of consensus on the Supreme Court and provide new insights on the considerations that shape the justices’ choices. Their book is an important contribution to the understanding of judicial behavior.”
—Lawrence Baum, Ohio State University

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2 U.S. Law and Courts
Without Fear or Favor
Judicial Independence and Judicial Accountability in the States
G. Alan Tarr
The impartial administration of justice and the accountability of government officials are two of the most strongly held American values. Yet these values are often in direct conflict with one another. At the national level, the U.S. Constitution resolves this tension in favor of judicial independence, insulating judges from the undue influence of other political institutions, interest groups, and the general public. But at the state level, debate has continued as to the proper balance between judicial independence and judicial accountability. In this volume, constitutional scholar G. Alan Tarr focuses squarely on that debate.

California School Law
Third Edition
Frank Kemerer and Peter Sansom
Fully updated to reflect recent developments in educational jurisprudence, the newest edition of California School Law explains the legal framework within which California schooling operates. The book examines student attendance and truancy, curriculum law, and teacher and student rights of expression—including the use of electronic communication devices and social media, religion, students with disabilities, discipline, privacy and search and seizure, race and gender discrimination, and issues of legal liability. The book’s companion website provides new information as it becomes available, and ensures all coverage is up-to-date.

The Failed Promise of Originalism
Frank B. Cross
“Frank Cross’s important book breaks new ground. Combining a deep understanding of originalism with sophisticated empirical analysis, The Failed Promise of Originalism challenges originalists to show that their theory can make a practical difference, and at the same time dispels the myth that originalist methods have a strong ideological valence in practice. Cross has produced a very rare commodity—a book that is a must read for both lawyers and political scientists.”
—Lawrence Solum, Georgetown University

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Without Fear or Favor
Judicial Independence and Judicial Accountability in the States
G. Alan Tarr

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Democracy and Political Ignorance
Why Smaller Government Is Smarter
Ilya Somin

Ilya Somin mines the depths of ignorance in America and reveals the extent to which it is a major problem for democracy. Somin weighs various options for solving this problem, arguing that political ignorance is best mitigated and its effects lessened by decentralizing and limiting government. Somin provocatively argues that people make better decisions when they choose what to purchase in the market or which state or local government to live under, than when they vote at the ballot box, because they have stronger incentives to acquire relevant information and to use it wisely.

"Voter ignorance can be rational: The likelihood of one vote mattering is infinitesimal, so why make the effort to stay informed? But as Ilya Somin demonstrates in this mind-opening book, voter ignorance has bad consequences that strengthen the case for limited government, including judicial review to put a leash on wayward majorities."

—George F. Will, Journalist and Pulitzer Prize Winner

—Anne Joseph O'Connell, University of California, Berkeley

Governing Security
The Hidden Origins of American Security Agencies
Mariano-Florentino Cuéllar

"Governing Security deftly blends archival research, news accounts, and bureaucratic theory to reveal fascinating parallels and divergences in the establishment and operation of the old Federal Security Agency and new Department of Homeland Security. Cuéllar offers compelling insights—for policymakers on the attractiveness of defining security broadly and for political scientists on the myriad factors that shape agency creation."

Copyfraud and Other Abuses of Intellectual Property Law
Jason Mazzone

312 pp., 2011
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Blinded by Sight
Seeing Race Through the Eyes of the Blind
Osagie K. Obasogie

In Blinded by Sight, Osagie K. Obasogie shares a startling observation made during discussions with people from all walks of life who have been blind since birth: even the blind aren't colorblind—blind people understand race visually, just like everyone else. Ask a blind person what race is, and they will more than likely refer to visual cues such as skin color. Obasogie finds that, because blind people think about race visually, they orient their lives around these understandings in terms of who they are friends with, who they date, and much more.

Obasogie argues that rather than being visually obvious, both blind and sighted people are socialized to see race in particular ways, even to a point where blind people “see” race. So what does this mean for how we live and the laws that govern our society? Obasogie delves into these questions and uncovers how color blindness in law, public policy, and culture will not lead us to any imagined racial utopia.

288 pp., 2013
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Introduction to Criminal Justice
A Sociological Perspective
Edited by Charis E. Kubrin and Thomas D. Stucky

Introduction to Criminal Justice is the first textbook to approach theories and practices of criminal justice from a sociological perspective. It empowers students to develop expertise in criminal justice and understand how its central tenants are informed by broader sociological principles and concepts, such as power, race, gender, and class. This text is organized around five themes: justice, police, courts, corrections, and crime control. The readings underscore the inextricable relationship between social structures and the criminal justice system. This comprehensive text will expose students to some of the best thinking and research in the field.

448 pp., 2013
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Racing for Innocence
Whiteness, Gender, and the Backlash Against Affirmative Action
Jennifer L. Pierce

This book recounts the stories of elite legal professionals at a large corporation with a federally mandated affirmative action program, as well as the cultural narratives about race, gender, and power in the news media and Hollywood films. Though most white men denied accountability for any racism in the workplace, they recounted ways in which they resisted—whether wittingly or not—incorporating people of color or white women into their workplace lives. Drawing on three different approaches—ethnography, narrative analysis, and fiction—to conceptualize the complexities and ambiguities of race and gender in contemporary America, this book makes an innovative pedagogical tool.

248 pp., 5 tables, 2012
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The Migration Apparatus
Security, Labor, and Policymaking in the European Union
Gregory Feldman

The Migration Apparatus Security, Labor, and Policymaking in the European Union
Gregory Feldman

Broke
How Debt Bankrupts the Middle Class
Edited by Katherine Porter

Studies in Social Inequality
320 pp., 2012
9780804777018 Paper $24.95 $19.96 sale
9780804777001 Cloth $80.00 $64.00 sale

Governing Immigration Through Crime
A Reader
Edited by Julie A. Dowling and Jonathan Xavier Inda

Presenting key readings and cutting-edge scholarship, this volume examines a range of contemporary criminalizing practices: restrictive immigration laws, enhanced border policing, workplace audits, detention and deportation, and increased policing of immigration at the state and local level. Of equal importance, the readings highlight how migrants have managed to actively resist these punitive practices. In bringing together critical theorists of immigration to understand how the current political landscape propagates the view of the “illegal alien” as a threat to social order, this text encourages students and general readers alike to think seriously about the place of undocumented immigrants in American society.

320 pp., 2013
9780804778817 Paper $29.95 $23.96 sale
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The Politics of Trafficking
The First International Movement to Combat the Sexual Exploitation of Women
Stephanie A. Limoncelli

232 pp., 4 tables, 2010
9780804783118 Paper $24.95 $19.96 sale
9780804762946 Cloth $39.95 $31.96 sale
The Street Politics of Abortion
Speech, Violence, and America’s Culture Wars
Joshua C. Wilson

The Street Politics of Abortion is the first book to consider the rise and fall of clinic-front protests through the 1980s and 1990s, the most visible and contentious period in U.S. reproductive politics. Joshua Wilson considers how street level protests lead to three seminal Court decisions—Planned Parenthood v. Williams, Schenck v. Pro-Choice Network of Western N.Y., and Hill v. Colorado.

The eventual demise of street protests via these cases taught anti-abortion activists the value of incremental institutional strategies that could produce concrete policy gains without drawing the public’s attention. Activists on both sides ultimately moved—often literally—from the streets to fight in state legislative halls and courtrooms. Wilson demonstrates how the abortion-rights movement, despite its initial success with Roe v. Wade, has since faced continuous challenges and difficulties, while the anti-abortion movement continues to gain strength in spite of its losses.

Better Left Unsaid
Victorian Novels, Hays Code Films, and the Benefits of Censorship
Nora Gilbert

Better Left Unsaid is in the unseemly position of defending censorship from the central allegations that are traditionally leveled against it. Taking two genres generally presumed to have been stymied by the censor’s knife—the Victorian novel and classical Hollywood film—this book reveals the varied ways in which censorship, for all its blustery self-righteousness, can actually be good for sex, politics, feminism, and art.

“Through her meticulous comparisons of Victorian novels and Hays Code Hollywood, Gilbert studies visual and verbal slippage, inference, irony, and the pleasure of perversion. Informative and a delight to read, Better Left Unsaid sparkles with wit and invention.”

—Tom Conley, Harvard University

Zooland
The Institution of Captivity
Irus Braverman

Irus Braverman draws on more than seventy interviews conducted with zoo managers and administrators, as well as animal activists, to offer a glimpse into the otherwise unknown complexities of zooland. Zooland begins and ends with the story of Timmy, the oldest male gorilla in North America, to illustrate the dramatic transformations of zoos since the 1970s. Over these decades, modern zoos have transformed themselves from places created largely for entertainment to globally connected institutions that emphasize care through conservation and education.

“With Zooland Braverman enters the fray, giving voice to the various sides while providing her own informed, thoughtful stance. Arguing for a ‘power of care,’ Braverman moves us toward the possibility of zoos that combine concern for individual welfare and the conservation of species.”

—Ken Shapiro

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A Series Edited by Austin Sarat

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Law and War
Edited by Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey

Explores the cultural, historical, spatial, and theoretical dimensions of the relationship between law and war—a connection that has long vexed the jurisprudential imagination. No longer simply a tool for judging battlefield conduct, law now seeks to subdue warfare and to enlist it into the service of legal goals. Law has emerged as a force that stands over and above war, endowed with the power to authorize and restrain, to declare and limit, to justify and condemn.

In examining this fraught, contested, and evolving relationship, Law and War investigates such questions as: What can efforts to subsume war under the logic of law teach us about the aspirations and limits of law? How have paradigms of law and war changed as a result of the contact with new forms of struggle? How has globalization and continuing practices of occupation reframed the relationship between law and war?

The Secrets of Law
Edited by Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey

The Secrets of Law explores the ways law both traffics in and regulates secrecy. Taking a close look at the opacity built into legal and governance processes, it explores the ways law produces zones of secrecy, the relation between secrecy and justice, and how we understand the inscrutability of law’s processes.

“Rather than fall into an easy rendering of law as either requiring transparency or secrecy, this volume reveals that this distinction is itself a false dichotomy. It points out the paradox that the very idea of transparency itself relies to some extent on keeping sources a secret, and treats the question of law and its relationship to secrecy with delicacy and sophistication.”

—James Martel, San Francisco State University

Law as Punishment / Law as Regulation
Edited by Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey

The Amherst Series in Law, Jurisprudence, and Social Thought

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Time in the Shadows
Confinement in Counterinsurgencies
Laleh Khalili
“Political economy has evolved in the past two decades from verbal gymnastics to a scientific study of how people form groups to solve collective action problems. Ferguson’s book is a forceful introduction to the analytical techniques involved in this intellectual revolution, together with a presentation of the evidence supporting various models.”
—Herbert Gintis, Santa Fe Institute and Central European University
368 pp., 2012
9780804778336 Paper $27.95 $22.36 sale
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The Rise and Fall of Human Rights
Cynicism and Politics in Occupied Palestine
Lori Allen
The Rise and Fall of Human Rights provides a groundbreaking ethnographic investigation of the Palestinian human rights world since 1979. Though human rights activity began as a means of struggle against the Israeli occupation, it has since been professionalized and politicized, transformed into a public relations tool for political legitimation and state-making.

In failing to end the Israeli occupation, protect basic human rights, or establish an accountable Palestinian government, the human rights industry has become the object of cynicism for many Palestinians. Lori Allen contends, however, that far from indicating apathy, such cynicism generates a productive critique of domestic politics and Western interventionism.

Stanford Studies in Human Rights
280 pp., 2013
9780804784719 Paper $24.95 $19.96 sale
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Of Medicines and Markets
Intellectual Property and Human Rights in the Free Trade Era
Angelina Snodgrass Godoy
Looking at events in Costa Rica, El Salvador, and Guatemala, Angelina Godoy argues that human rights advocates need to approach intellectual property law as more than simply a roster of regulations. IP represents the cutting edge of a global tendency to value all things in market terms: Life forms—from plants to human genetic sequences—are rendered commodities, and substances necessary to sustain life—medicines—are restricted to insure corporate profits. If we argue only over the terms of IP protection without confronting the underlying logic governing our trade agreements, then human rights advocates will lose even when they win.

“Godoy admirably dissects the forces which have conspired to depoliticize both resistance to intellectual property expansion and the human rights rhetoric in which this is voiced. The book delivers insights that should transform advocacy and scholarship; it should be widely read and acclaimed.”
—Rosemary J. Coombe, York University
Stanford Studies in Human Rights
208 pp., 4 tables, 4 figures, 2013
9780804785617 Paper $24.95 $19.96 sale
9780804785600 Cloth $80.00 $64.00 sale
Campaining for Justice
Human Rights Advocacy in Practice
Jo Becker
Written from a practitioner’s perspective, this book explores the strategies behind some of the most innovative human rights campaigns of recent years. Drawing on interviews with dozens of experienced human rights advocates, the book delves into local, regional, and international efforts to discover how advocates were able to address seemingly intractable abuses and secure concrete advances in human rights. These accounts provide a window into the way that human rights advocates conduct their work, their real-life struggles and challenges, the rich diversity of tools and strategies they employ, and ultimately, their courage and persistence in advancing human rights.

"Campaining for Justice provides invaluable insights into how human rights campaigns work, and distills lessons gleaned from dozens of veteran advocates. It illustrates the rich diversity of the human rights movement today, and will be a terrific resource not only for those just entering human rights work, but also for those with years of experience.”
—Jody Williams, Nobel Peace Prize Laureate

Values in Translation
Human Rights and the Culture of the World Bank
Galit A. Sarfaty
Values in Translation analyzes the organizational culture of the World Bank and addresses the question of why it has not adopted a human rights framework. Academics and social advocates have typically focused on legal restrictions in the Bank’s Articles of Agreement. This work’s anthropological analysis sheds light on internal obstacles including the employee incentive system and a clash of expertise between lawyers and economists over how to define human rights and justify their relevance to the Bank’s mission.

"Why has the World Bank been so slow to take on human rights? This fascinating ethnography follows the movement of people and ideas within the Bank to show how human rights were ‘economized’ in order to be heard. It offers great insight into the way organizations work and into the cultural dimensions of law.”
—Sally Engle Merry, New York University

In the Wake of Neoliberalism
Citizenship and Human Rights in Argentina
Karen Ann Faulk
This book investigates two prominent Buenos Aires protest organizations to consider how each has framed its demands within a language of rights. Fundamentally, this work is concerned with the complex interrelationship between the discourse of human rights and the neoliberal project. In exploring the way in which “rights talk” is used and adapted locally by various activist groups, the book looks at the mutually formative and contentious interactions between ideas of human rights, rights of citizenship, and the concrete and envisioned social relationships that form the basis for social activism in the wake of neoliberalism.

“Powerful and moving ethnographic work that fixes transnational conceptions of human rights in the context of a global neoliberalism, grounded firmly in the history and society of Argentina. The book makes a valuable contribution to the interdisciplinary literature on human rights. An important book of the contemporary moment.”
—Daniel Goldstein, Rutgers University
The vast majority of the countries in the world are developing countries and yet there is a serious dearth of attention to developing countries in the international and comparative law scholarship, which has been preoccupied with the United States and the European Union. Competition Law and Development investigates whether or not the competition law and policy transplanted from Europe and the United States can be successfully implemented in the developing world or whether the developing-world experience suggests a need for a different analytical framework. The need to devote greater attention to developing countries is also justified by the changing global economic reality in which developing countries—especially China, India, and Brazil—have emerged as economic powerhouses. Together with Russia, the so-called BRIC countries have accounted for thirty percent of global economic growth since the term was coined in 2001. This book, the second in the Global Competition Law and Economics series, provides a number of viewpoints of what competition law and policy mean both in theory and practice in a development context.

Global Competition Law and Economics
Edited by Ioannis Lianos and D. Daniel Sokol
Over the last three decades, the field of antitrust law has grown increasingly prominent, and more than one hundred countries have enacted competition law statutes. As competition law expands to jurisdictions with very different economic, social, cultural, and institutional backgrounds, the debates over its usefulness have similarly evolved.

“This need to devote greater attention to developing countries is also justified by the changing global economic reality in which developing countries—especially China, India, and Brazil—have emerged as economic powerhouses. Together with Russia, the so-called BRIC countries have accounted for thirty percent of global economic growth since the term was coined in 2001. This book, the second in the Global Competition Law and Economics series, provides a number of viewpoints of what competition law and policy mean both in theory and practice in a development context.”

—Einer Elhauge, Harvard Law School

Global Competition Law and Economics
312 pp., 13 tables, 3 figures, 2012
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Competition Law and Development
Edited by D. Daniel Sokol, Thomas K. Cheng, and Ioannis Lianos
The vast majority of the countries in the world are developing countries and yet there is a serious dearth of attention to developing countries in the international and comparative law scholarship, which has been preoccupied with the United States and the European Union. Competition Law and Development investigates whether or not the competition law and policy transplanted from Europe and the United States can be successfully implemented in the developing world or whether the developing-world experience suggests a need for a different analytical framework.

Global Competition Law and Economics
360 pp., 13 tables, 7 figures, 2013
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Juridical Humanity
A Colonial History
Samara Esmeir
Samara Esmeir offers a historical and theoretical account of the colonizing operations of modern law in Egypt. Investigating the law, both on the books and in practice, she underscores the centrality of the “human” to Egyptian legal and colonial history and argues that the production of “juridical humanity” was a constitutive force of colonial rule and subjugation. This original contribution queries long-held assumptions about the entanglement of law, humanity, violence, and nature, and thereby develops a new reading of the history of colonialism.

384 pp., 2012
9780804783040 Paper $24.95
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Woman Lawyer
The Trials of Clara Foltz
Barbara Babcock
392 pp., 13 figures, 2011
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$36.00 sale
Ronald Dworkin
Third Edition
Stephen Guest

Ronald Dworkin is widely accepted as the most important and most controversial Anglo-American jurist of the past forty years. And this same-named volume on his work has become a minor classic in the field, offering the most complete analysis and integration of Dworkin’s work to date. This third edition offers a substantial revision of earlier texts and, most importantly, incorporates discussion of Dworkin’s recent masterwork _Justice for Hedgehogs_.

Accessibly written for a wide readership, this book captures the complexity and depth of thought of Ronald Dworkin. Displaying a long-standing commitment to Dworkin’s work, Stephen Guest clearly highlights the scholar’s key theories to illustrate a guiding principle over the course of Dworkin’s work: that there are right answers to questions of moral value. In assessing this principle, Guest also expands his analysis of contemporary critiques of Dworkin. The third edition includes an updated and complete bibliography of Dworkin’s work.

Philip Selznick
Ideals in the World
Martin Krygier

This volume, the first book-length treatment of Selznick’s ideas, discusses Selznick’s various intellectual contributions. Reading across Selznick’s work, one appreciates the coherence of his fundamental preoccupations—with the social conditions for frustration and the vindication of values and ideas. Exploring Selznick’s insights into the nature and quality of institutional, legal, and social life, the book also examines his particular ways of thinking, concerns, values, and sensibility. Martin Krygier brings to light the coherence of Selznick’s fundamental preoccupations, allowing readers to fully engage with his unique insights and distinctive moral-intellectual sensibility.

“Martin Krygier has written a wonderfully lucid and perceptive intellectual biography of Philip Selznick, covering the full range of Selznick’s work in organizational theory, leadership studies, legal sociology, and moral philosophy.”
—Kenneth Winston, Harvard Kennedy School

Henry Ford’s War on Jews and the Legal Battle Against Hate Speech
Victoria Saker Woeste

Henry Ford is remembered in American lore as the ultimate entrepreneur—the man who invented assembly-line manufacturing and made automobiles affordable. Large-ly forgotten is his side career as a publisher of antisemitic propaganda. This is the story of Ford’s ownership of the _Dearborn Independent_, his involvement in the defamatory articles it ran, and the two Jewish lawyers, Aaron Sapiro and Louis Marshall, who each tried to stop Ford’s war.

In 1927, the case of _Sapiro v. Ford_ transfixed the nation. In order to end the embarrassing litigation, Ford apologized for the one thing he would never have lost on in court: the offense of hate speech.

Using never-before-discovered evidence from archives and private family collections, this study reveals the depth of Ford’s involvement in every aspect of this case and explains why Jewish civil rights lawyers and religious leaders were deeply divided over how to handle Ford.