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The Eureka Myth
Creators, Innovators, and Everyday Intellectual Property
JESSICA SILBEBY

Incentivizing the “progress of science and the useful arts” has been the goal of intellectual property law since our constitutional beginnings. The Eureka Myth cuts through the current debates and goes straight to the source: the artists and innovators themselves.

Jessica Silbey makes sense of the intersections between intellectual property law and creative and innovative activity by centering on the stories told by artists, scientists, their employers, lawyers and managers, describing how and why they create and innovate and whether or how IP law plays a role in their activities. Their employers, business partners, managers, and lawyers also describe their role in facilitating the creative and innovative work. Silbey’s connections and distinctions made between the stories and statutes serve to inform present and future innovative and creative communities. Breaking new ground in its examination of the U.S. economy and cultural identity, this book draws out new and surprising conclusions about the misinterpreted relationships between creativity and intellectual property protections.

Gruesome Spectacles
Botched Executions and America’s Death Penalty
AUSTIN SARAT

Gruesome Spectacles is a history of botched, mismanaged, and painful executions in the U.S. from 1890–2010. Using new research, Austin Sarat traces the evolution of methods of execution that were employed during this time, and were meant to improve on the methods that went before, from hanging or firing squad to electrocution to gas and lethal injection. Even though each of these technologies was developed to “perfect” state killing by decreasing the chance of a cruel death, an estimated three percent of all American executions went awry in one way or another. Sarat recounts the gripping and truly gruesome stories of some of these deaths—stories obscured by history and to some extent, the popular press.

“America has no more incisive scholar of capital punishment than Austin Sarat, who always has something fresh to say. Gruesome Spectacles offers readers new and provocative insights.”
—Scott Turow

Capitalism v. Democracy
Money in Politics and the Free Market Constitution
TIMOTHY K. KUHNER

As of the latest national elections, it costs approximately $1 billion to become president, $10 million to become a Senator, and $1 million to become a Member of the House. High-priced campaigns, an elite class of donors and spenders, superPACs, and increasing corporate political power have become the new normal in American politics. In Capitalism v. Democracy, Timothy Kuhner explains how these conditions have corrupted American democracy, turning it into a system of rule that favors the wealthy and marginalizes ordinary citizens.

“This powerfully written work teaches us a fundamental lesson about American politics today: that the demand for reform is not partisan. From the Right and Left, Kuhner shows why the rules that corrupt both democracy and capitalism must change.”
—Lawrence Lessig, Harvard Law School

288 pp., 2014
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Attacking Judges
How Campaign Advertising Influences State Supreme Court Elections
MELINDA GANN HALL

Nasty, below-the-belt campaigns, mudslinging, and character attacks. These tactics have become part and parcel of today’s election politics in America, and judicial elections are no exception. Attacking Judges takes a close look at the effects of televised advertising, including harsh attacks, on state supreme court elections. Author Melinda Gann Hall investigates whether these divisive elections have damaging consequences for representative democracy. To do this, Hall focuses on two key aspects of those elections: the vote shares of justices seeking reelection and the propensity of state electorates to vote. In doing so, Attacking Judges explores vital dimensions of the conventional wisdom that campaign politics has deleterious consequences for judges, voters, and state judiciaries.

“This impressive book is among the first to give judicial elections the serious scholarly attention they deserve. It’s a must read!”

—James L. Gibson, Washington University in St. Louis

Your Rugged Constitution
BRUCE FINDLAY AND ESTHER BLAIR FINDLAY

Your Rugged Constitution was first published sixty-four years ago. It quickly became a go-to resource for generations of young Americans (and some older ones too) who wanted to understand the guiding principles of our nation. Now in reissue, this truly rugged and much-admired classic is sure to inform and also delight readers with its retro 1950s ethos. Your Rugged Constitution proceeds through the text of the Constitution with descriptions that are put in clear, easy-to-understand language, accompanied by commentary and lively drawings so you can easily grasp all the ideas and concepts. Under each section and clause, you (yes, you, fellow American!) learn which powers you give to the federal government, and what you get in return. Your Rugged Constitution helps readers understand that the Constitution is no mere historical document, but an important contract between you and your government.

“...a real contribution to the current discussion of national life.”

—Herbert Hoover, 31st President of the United States

296 pp., illustrated throughout, 2014
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One of the biggest problems with modern democracy is that most of the public is usually ignorant of politics and government. Often, many people understand that their votes are unlikely to change the outcome of an election and don't see the point in learning much about politics. This may be rational, but it creates a nation of people with little political knowledge and little ability to objectively evaluate what they do know. In *Democracy and Political Ignorance*, Ilya Somin mines the depths of ignorance in America and reveals the extent to which it is a major problem for democracy. He 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.

"As Ilya Somin demonstrates in this mind-opening book, voter ignorance has bad consequences that strengthen the case for limited government."

—George Will, Journalist and Pulitzer Prize Winner
California School Law
Third Edition
FRANK KEMERER AND
PETER SANSON

Now in its third edition, California School Law is the only comprehensive source discussing how federal and state law affects the day-to-day operation of the state's traditional public, charter, and private schools. While the book is comprehensive, the authors have written it for a broad audience. California School Law has become a coveted desk-top reference for administrators, governing board members, school attorneys, union leaders, and policymakers. It also has been widely adopted as a classroom textbook in educational administration and education law classes.

Appendices provide a glossary of legal terminology, an explanation of how to find and read legislative enactments and judicial decisions, and a list of sources for accessing law.

Governing Security
The Hidden Origins of American Security Agencies
MARIANO-FLORENTINO CUÉLLAR

The impact of public law depends on how politicians secure control of public organizations, and how these organizations in turn are used to define national security. Governing Security explores this dynamic by investigating the surprising history of two major federal agencies that touch the lives of Americans every day: the Roosevelt-era Federal Security Agency (which became today’s Department of Health and Human Services) and the more recently created Department of Homeland Security.

Through the stories of both organizations, Cuéllar offers a compelling account of crucial developments affecting the basic architecture of our nation. He shows how Americans end up choosing security goals not through an elaborate technical process, but in lively and overlapping settings involving conflict over agency autonomy, presidential power, and priorities for domestic and international risk regulation.

The Puzzle of Unanimity
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 provides 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.

Without Fear or Favor
Judicial Independence and Judicial Accountability in the States
G. ALAN TARR

CRITICAL PERSPECTIVES ON CRIME AND LAW
GUYORA BINDER

Felony Murder

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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. Wilson demonstrates how the abortion-rights movement, despite its initial success with Roe, has since faced continuous challenges and difficulties, while the anti-abortion movement continues to gain strength in spite of its losses.

260 pp., 2013 9780804785341 Paper $24.95 $19.96 sale 9780804785334 Cloth $85.00 $68.00 sale

Better Left Unsaid
Victorian Novels, Hays Code Films, and the Benefits of Censorship
NORA GILBERT

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Zooland
The Institution of Captivity
IRUS BRAVERMAN

280 pp., 1 table, 1 figure, 12 illustrations, 2012 9780804783583 Paper $24.95 $19.96 sale 9780804783576 Cloth $85.00 $68.00 sale

Our Word Is Our Bond
How Legal Speech Acts
MARIANNE CONSTABLE

Words can be misspoken, misheard, misunderstood, or misappropriated; they can be inappropriate, inaccurate, dangerous, or wrong. When speech goes wrong, law often steps in as itself a speech act or series of speech acts. Our Word Is Our Bond offers a nuanced approach to language and its interaction and relations with modern law. Marianne Constable argues that, as language, modern law makes claims and hears claims of justice and injustice, which can admittedly go wrong. Constable proposes an alternative to understanding law as a system of rules, or as fundamentally a policy-making and problem-solving tool. Constable introduces and develops insights from Austin, Cavell, Reinach, Nietzsche, Derrida and Heidegger to show how claims of law are performative and passionate utterances or social acts that appeal implicitly to justice.

Our Word Is Our Bond explains that neither law nor justice are what lawyers and judges say, nor what officials and scholars claim they are.

232 pp., 2014 9780804774949 Paper $27.95 $22.36 sale 9780804774932 Cloth $90.00 $72.00 sale

The Expanding Spaces of Law
A Timely Legal Geography
EDITED BY IRUS BRAVERMAN, NICHOLAS BLOMLEY, DAVID DELANEY, AND ALEXANDRE KEDAR

Legal geography has contributed a great deal to understanding the many relationships between space and law. Earlier work has explored space that is static, such as the law’s interaction with concepts of the home, public space, prison, restrooms, camps, territories, and nation states. But the past few years have seen an emphasis on analyzing the dynamic workings of space, and the understanding of space in various new ways. The Expanding Spaces of Law asks readers to consider what legal geography would look like if we were to give more prominence to conceptions of space as process, space as event, or space as situation or relationship. Questions of space and time are often implicit in the work of legal geographers, and this book seeks to bring these questions to the fore.

“The Expanding Spaces of Law is the first book to encapsulate the trajectory of the legal geography field and point to its future possibilities in theoretical, methodological and substantive terms.”

—Eve Darian-Smith, University of California, Santa Barbara

296 pp., 2014 9780804787185 Cloth $55.00 $44.00 sale
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 color-blind—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.

288 pp., 2014
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Racing for Innocence
Whiteness, Gender, and the Backlash Against Affirmative Action
JENNIFER L. PIERCE

248 pp., 5 tables, 2012
9780804778794 Paper $22.95 $18.36 sale
9780804778787 Cloth $75.00 $60.00 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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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 tenets 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. Offering both foundational and contemporary texts, theoretical and empirical discussions, and quantitative and qualitative approaches, 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.

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Law and the Utopian Imagination
Edited by Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey

Law and the Utopian Imagination seeks to explore and resuscitate the notion of utopianism within current legal discourse. The idea of utopia has fascinated the imaginations of important thinkers for ages. And yet—who writes seriously on the idea of utopia today?

The mid-century critique appears to have carried the day, and a belief in the very possibility of utopian achievements appears to have flagged in the face of a world marked by political instability, social upheaval, and dreary market realities. Instead of mapping out the contours of a familiar terrain, this book seeks to explore the possibilities of a productive engagement between the utopian and the legal imagination. This volume hopes to revive interest in a vital topic of inquiry too long neglected by both social thinkers and legal scholars.

200 pp., 2014
9780804790819 Cloth $75.00 $60.00 sale

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

Law and War explores the cultural, historical, spatial, and theoretical dimensions of the relationship between law and war—a connection that has long vexed the jurisprudential imagination. Historically the term “war crime” struck some as redundant and others as oxymoronic: redundant because war itself is criminal; oxymoronic because war submits to no law. More recently, the remarkable trend toward the juridification of warfare has emerged, as law has sought to stretch its dominion over every aspect of the waging of armed struggle. 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.

248 pp., 2014
9780804787420 Cloth $75.00 $60.00 sale

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

288 pp., 2012
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International Law and the Future of Freedom

JOHN H. BARTON, EDITED BY AND WITH AN INTRODUCTION BY HELEN M. STACY AND HENRY T. GREELY

International Law and The Future of Freedom is the late John Barton’s exploration into ways to protect our freedoms in the new global international order. This book forges a unique approach to the problem of democracy deficit in the international legal system as a whole—looking at how international law concretely affects actual governance. The book draws from the author’s unparalleled mastery of international trade, technology, and financial law, as well as from a wide array of other legal issues, from espionage law, to international criminal law, to human rights law.

Barton defines the new and changing needs to assert our freedoms and the appropriate international scopes of our freedoms in the context of the three central issues that our global system must resolve: the balance between security and freedom, the balance between economic equity and opportunity, and the balance between community and religious freedom.

280 pp., 2014
9780804776691 Cloth $60.00 $48.00 sale

Competition and the State

EDITED BY THOMAS K. CHENG, IOANNIS LIANOS, AND D. DANIEL SOKOL

Competition and the State analyzes the role of the state across a number of dimensions as it relates to competition law and policy across a number of dimensions. This book re-conceptualizes the interaction between competition law and government activities in light of the profound transformation of the conception of state action in recent years by looking to the challenges of privatization, new public management, and public-private partnerships. It then asks whether there is a substantive legal framework that might be put in place to address competition issues as they relate to the role of the state. The volume also examines one of the most highly controversial policy issues within the competition and regulatory sphere—the role of competition law and policy in the financial sector.

GLOBAL COMPETITION LAW AND ECONOMICS
304 pp., 2014
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Competition Law and Development

EDITED BY D. DANIEL SOKOL, THOMAS K. CHENG, AND IOANNIS LIANOS

GLOBAL COMPETITION LAW AND ECONOMICS
328 pp., 13 tables, 7 figures, 2013
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Nation and Family

Personal Law, Cultural Pluralism, and Gendered Citizenship in India

NARENDRA SUBRAMANIAN

The distinct personal laws that govern the major religious groups are a major aspect of Indian multiculturalism and secularism, and support specific gendered rights in family life. Nation and Family is the most comprehensive study to date of the public discourses, processes of social mobilization, legislation and case law that formed India’s three major personal law systems, which govern Hindus, Muslims, and Christians. It for the first time systematically compares Indian experiences to those in a wide range of other countries that inherited personal laws specific to religious group, sect, or ethnic group. The book shows why India’s postcolonial policy-makers changed the personal laws they inherited less than the rulers of Turkey and Tunisia, but far more than those of Algeria, Syria and Lebanon, and increased women’s rights for the most part, contrary to the trend in Pakistan, Iran, Sudan and Nigeria since the 1970s.

400 pp., 7 tables, 1 figure, 2014
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Stanford Studies in Human Rights

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—its NGOs, activists, and “victims,” as well as their politics, training, and discourse—since 1979. Though human rights activity began as a means of struggle against the Israeli occupation, 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. But far from indicating apathy, such cynicism generates a productive critique of domestic politics and Western interventionism. This book illuminates the successes and failures of Palestinians’ varied engagements with human rights in their quest for independence.
“The Israeli-Palestinian conflict has been analyzed over and over again, but Lori Allen finds a genuinely new angle.”
—Tobias Kelly, University of Edinburgh
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
Popular Injustice focuses on the spread of highly punitive forms of social control (known locally as mano dura) in contemporary Latin America. Many people have not only called for harsher punishments, such as longer prison sentences and the reintroduction of capital punishment, but also support vigilante practices like lynchings. In Guatemala, hundreds of these mob killings have occurred since the end of the country’s armed conflict in 1996. Drawing on dozens of interviews with residents of lynching communities, Godoy argues that while these acts of violence do reveal widespread frustration with the criminal justice system, they are more than simply knee-jerk responses to crime. They demonstrate how community ties have been reshaped by decades of state violence and by the social and economic changes associated with globalization.
“This book is a breakthrough that builds on the growing body of literature about crime and governance.”
—Jonathan Simon, Boalt Hall School of Law, University of California, Berkeley
208 pp., 4 tables, 4 figures, 2013
9780804785617 Paper $24.95 $19.96 sale
9780804785600 Cloth $80.00 $64.00 sale

Campaigning for Justice
Human Rights Advocacy in Practice
JO BECKER
Advocates within the human rights movement have had remarkable success establishing new international laws, securing concrete changes in human rights policies and practices, and transforming the terms of public debate. Yet too often, the strategies these advocates have employed are not broadly shared or known. Campaigning for Justice addresses this gap to explain the “how” of the human rights movement. 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.
336 pp., 2012
9780804774512 Paper $24.95 $19.96 sale
9780804774505 Cloth $85.00 $68.00 sale
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.

“A valuable guide and reference to the full range of [Dworkin’s] writings and the controversies to which they have given rise.”


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.

In the Wake of Neoliberalism
Citizenship and Human Rights in Argentina
KAREN ANN FAULK

“A 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.”

—Daniel Goldstein, Rutgers University

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