# 2019 Survey of Books Related to the Law

## Contents

### Foreword

**Books, Debate, Specificity.**
*Neal Kumar Katyal*  
995

### Classic Revisited

**An Apology for Lawyers:**
*Socrates and the Ethics of Persuasion.**
*Sherman J. Clark*  
1001

### Reviews

**Review by Justice**

**John Paul Stevens (Ret.)**
*Justice John Paul Stevens*  
1019

**Small Crimes, Big Injustices**
*Stephanos Bibas*  
1025

**Abortion Talk**
*Clare Huntington*  
1043

**Return of the Campus Speech Wars**
*Thomas Healy*  
1063

**Textualism for Realists**
*Ian Samuel*  
1085

**The Supreme Court and Public Schools**
*Erwin Chemerinsky*  
1107

**Doors to Safety: Exit West, Refugee Resettlement, and the Right to Asylum.**
*Betsy L. Fisher*  
1119

**Is the Exclusionary Rule a Prohibition-Era Relic?**
*Thomas M. Hardiman*  
1135

**Lauren Gailey**
Privacy, Property, and Publicity ............... Mark A. Lemley 1153

The Outcome of Influence:
Hitler’s American Model and
Transnational Legal History ............... Mary L. Dudziak 1179

What Corporate Veil? ......................... Joshua C. Macey 1195

Which Radicals? ..................... Cass R. Sunstein 1215

How Do We Get Along?
International Economic
Law and the Nation-State .............. Gregory Shaffer 1229

Failed Protectors:
The Indian Trust and
Killers of the Flower Moon ........ Matthew L.M. Fletcher 1253

Solitude, Leadership, and Lawyers......... Amul R. Thapar
                                    Samuel Rudman 1271

Why Markets? Welfare,
Autonomy, and the Just Society.......... Hanoch Dagan 1289

Looking Backward and
Forward at the Suspension Clause ....... G. Edward White 1313
Michigan Law Review Online
The Online Companion of the Michigan Law Review

Call for Submissions

The editors of the Michigan Law Review invite essay submissions on current areas of legal thought and research for the Michigan Law Review Online.

Michigan Law Review Online publishes short articles and op-ed style pieces by academics, judges, practitioners, and law students, as well as timely responses to articles in the print journal of the Michigan Law Review. Our online companion quickly disseminates the legal community’s initial impressions of important judicial decisions and legislative developments.

Michigan Law Review Online prefers submissions under 6,000 words inclusive of footnotes and can only very rarely accept longer pieces. Submissions should be written in a style accessible to a general audience of practitioners and policymakers. Pieces will be published on an expedited production schedule.


Please send questions and comments to the Executive Online Editors at mlr.online@umich.edu
UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

Mark Schlissel, B.A., M.D., Ph.D., President of the University
Martin A. Philbert, B.Sc., Ph.D., Provost and Executive Vice President for Academic Affairs
Mark D. West, B.A., J.D., Nippon Life Professor of Law, Dean
Bridgette Carr, B.A., J.D., Clinical Professor of Law, Associate Dean for Strategic Initiatives
Daniel Halberstam, B.A., J.D., Eric Stein Collegiate Professor of Law, Associate Dean for Faculty and Research, Director of European Legal Studies Program
Debra Chopp, B.A., J.D., Clinical Professor of Law, Associate Dean for Experiential Education
David Santaaccose, B.A., J.D., LL.M., Clinical Professor of Law, Associate Dean for Experiential Education
Gil Seinfeld, A.B., J.D., Professor of Law, Associate Dean for Academic Programming
Michael Dubin, B.S., M.A., Assistant Dean for Development and Alumni Relations
Theresa Kaiser-Jarvis, B.A., B.S.J., Ed.M., J.D., Assistant Dean for International Affairs
Ramji Kaul, B.A., J.D., Assistant Dean for Career Planning
Bayrex Marti, B.A., J.D., Assistant Dean for Student Life
Lindsey Stetson, B.A., J.D., Assistant Dean for Financial Aid
Sarah C. Zearfoss, B.A., J.D., Senior Assistant Dean for Admissions, Financial Aid, and Career Planning

Professors Emeriti of Law

Layman E. Allen, A.B., M.P.A., LL.B.
David L. Chambers, A.B., LL.B., Wade H. McCree, Jr. Collegiate Professor of Law
Edward H. Cooper, A.B., LL.B., Thomas M. Cooley Professor of Law
Donald N. Duquette, B.A., J.D., Clinical Professor of Law
Philip M. Frost, B.A., J.D., Clinical Professor of Law
Thomas A. Green, B.A., Ph.D., J.D., John Philip Davison Collegiate Professor of Law
Samuel R. Gross, A.B., J.D., Thomas G. and Mabel Long Professor of Law
Jerold H. Israel, B.B.A., LL.B., Alene and Allan F. Smith Professor of Law
Douglas A. Kahn, B.A., J.D., Paul G. Kauper Professor of Law
Yale Kamisar, A.B., LL.B., LL.D., Clarence Darrow Distinguished University Professor of Law
Thomas E. Kauper, A.B., J.D., Henry M. Butzel Professor of Law
Richard O. Lempert, A.B., J.D., Ph.D., Eric Stein Distinguished University Professor of Law and Sociology
Sallyanne Payton, B.A., LL.B., William W. Cook Professor of Law
Margaret Jane Radin, A.B., M.F.A., J.D., LL.D., Henry King Ransom Professor of Law
Terrance Sandalow, A.B., J.D., Edson R. Sunderland Professor of Law
E. Philip Soper, B.A., M.A., J.D., Ph.D., James V. Campbell Professor of Law
Theodore J. St. Antoine, A.B., J.D., James E. and Sarah A. Degan Professor of Law
Joseph Vining, B.A., M.A., J.D., Harry Burns Hutchins Collegiate Professor of Law
Lawrence W. Waggoner, B.B.A., J.D., D.Phil., Lewis M. Simes Professor of Law
Peter K. Westen, B.A., J.D., Frank G. Millard Professor of Law
James Boyd White, A.B., A.M., LL.B., L. Hart Wright Collegiate Professor of Law
James J. White, B.A., J.D., Robert A. Sullivan Professor of Law

Professors of Law

Kate Andrias, B.A., J.D.
Reuven S. Avi-Yonah, B.A., A.M., Ph.D., J.D., Irwin I. Cohn Professor of Law
Samuel Bagenstos, B.A., J.D., Frank G. Millard Professor of Law
Nicholas Bagley, B.A., J.D., Michael S. Barr, B.A., M.Phil., J.D., Roy F. and Jean Humphrey Proftitt Professor of Law
Laura N. Beny, B.A., M.A., J.D., Ph.D.
Evan H. Caminker, B.A., J.D., Branch Rickey Collegiate Professor of Law
Sherman J. Clark, B.S., J.D., Kirkland and Ellis Professor of Law
Daniel Crane, B.A., J.D., Frederick Paul Furth, Sr. Professor of Law
Steven P. Croley, A.B., J.D., M.A., Ph.D., Harry Burns Hutchins Collegiate Professor of Law
Kristina Daugirdas, A.B., J.D.
Rebecca S. Eisenberg, B.A., J.D., Robert and Barbara Luciano Professor of Law
Phoebe C. Ellsworth, A.B., Ph.D., Frank Murphy Distinguished Professor of Law and Psychology
Richard D. Friedman, B.A., J.D., D.Phil., Alene and Allan F. Smith Professor of Law
Bruce W. Frier, B.A., Ph.D., John and Teresa D'Arms Distinguished University Professor of Classics and Roman Law
Monica R. Hakimi, B.A., J.D.
Daniel Halberstam, B.A., J.D., Eric Stein Collegiate Professor of Law
James C. Hathaway, LL.B., LL.M., J.S.D., James E. and Sarah A. Degan Professor of Law
Scott Hershovitz, A.B., M.A., D.Phil., J.D., Donald J. Herzog, A.B., A.M., Ph.D., Edson R. Sunderland Professor of Law
James Hines Jr., B.A., M.A., Ph.D., L. Hart Wright Collegiate Professor of Law
Nicholas C. Howson, B.A., J.D., Ellen D. Katz, B.A., J.D., Ralph W. Aigler Professor of Law
Vikramaditya S. Khanna, B.C.A., LL.B., S.J.D., William W. Cook Professor of Law
James E. Krier, B.S., J.D.,
Earl Warren DeLano Professor of Law
Jessica D. Litman, B.A., M.F.A., J.D.,
John F. Nickoll Professor of Law
Kyle D. Logue, B.A., J.D.,
Wade H. and Dories M. McCree Collegiate Professor of Law
Catharine A. MacKinnon, B.A., J.D., Ph.D.,
Elizabeth A. Long Professor of Law
Nina A. Mendelson, A.B., J.D.,
Joseph L. Sax Collegiate Professor of Law
Gabriel Mendlow, A.B., Ph.D., J.D.,
William I. Miller, B.A., Ph.D., J.D.,
Bruno Simma Collegiate Professor of Law
Julian Davis Mortenson, A.B., J.D.
William Novak, B.A., M.A., Ph.D.
Charles F. and Edith J. Clyne Professor of Law
John A.E. Pottow, A.B., J.D.
John Philip Dawson Collegiate Professor of Law
James J. Prescott, B.A., J.D., Ph.D.
Eve Brensike Primus, A.B., J.D.
Richard A. Primus, A.B., D.Phil., J.D.
Theodore J. St. Antoine Collegiate Professor of Law
Adam C. Pritchard, B.A., M.P.P., J.D.
Frances and George Skestos Professor of Law
Steven R. Ratner, A.B., M.A., J.D.,
Bruno Simma Collegiate Professor of Law
Donald H. Regan, A.B., LL.B., B.Phil., Ph.D.,
William W. Bishop, Jr. Collegiate Professor of Law
Mathias W. Reimann, Dr.Iur., LL.M.,
Hessel E. Yntema Professor of Law
Veronica Santarosa, LL.B., B.A., M.A., LL.M., Ph.D
Margo Schlanger, B.A., J.D.
Henry M. Butzel Professor of Law
Carl E. Schneider, A.B., J.D.,
Chauncey Stillman Professorship for Ethics, Morality, and the Practice of Law
Rebecca J. Scott, A.B., M.Phil., Ph.D.,
Charles Gibson Distinguished University Professor of History
Gil Seinfeld, A.B., J.D.
Bruno Simma, Doctorate of Law
Sonja B. Starr, A.B., J.D.
Christina B. Whitman, A.B., M.A., J.D.,
Francis A. Allen Collegiate Professor of Law
Maureen Carroll, B.S., J.D.
Nicolas Cornell, A.B, Ph.D., J.D.
Edward Fox, B.A., J.D., Ph.D.
W. Nicholson Price, II, A.B., J.D., Ph.D.
Gabriel Rauterberg, B.S., J.D.
Alicia Alvarez, B.A., J.D.
Nicole Appleberry, A.B., J.D., LL.M.
Edward R. Becker, B.A., J.D.
Howard Bromberg, B.A., J.D., J.S.M.
David A. Moran, B.S., B.A., M.A., M.S., J.D.
Mark K. Osbeck, A.B., M.A., J.D.
Paul D. Reingold, B.A., J.D.
Nicholas J. Rine, B.A., J.D.
Vivek Sankaran, B.A., J.D.
Suellyn Scarnecchia, B.A., J.D.
Kimberly A. Thomas, B.S., J.D.
Dana Thompson, B.S., J.D.
Frank E. Vandervort, B.A., J.D.
Nancy Vettorello, B.A., M.U.P., J.D.
Beth H. Wilensky, B.A., J.D.
Matthew Andres, B.A., J.D.
Patrick Barry, B.A., J.D., Ph.D.
Elizabeth Campbell, B.A., J.D.
Paul H. Falon, B.A., M.A., J.D.
Steve Gray, B.A., J.D.
David Guenther, B.A., M.A., J.D.
Margaret Hannon, B.A., J.D.
Joshua Kay, B.A., M.A., Ph.D.
Sammy Mansour, B.A., J.D.
Timothy Pinto, B.A., J.D.
Oday Salim, B.A., J.D., LL.M.
Amy Sankaran, B.A., J.D.
Imran Syed, A.B., J.D.
J. Phillip Adams, B.A., J.D., LL.M
Timothy L. Dickinson, B.A., J.D., LL.M.
Jennifer Haverkamp, B.A., M.A., J.D.
Robert Hirshon, B.A., J.D.
Frank G. Millard Professor from Practice
Barbara McQuade, B.A., J.D.
Leonard Niehoff, A.B., J.D.
David Uhlmann, B.A., J.D.,
Jeffrey F. Liss Faculty Development Professor from Practice, Director of Environmental Law and Policy Program
William W. Cook Global Law Professors
Susanne Baer, LL.M.
Paul Brand, B.A., M.A., D.Phil
Christine Chinkin, LL.B., LL.M., Ph.D.
John G. H. Hudson, M.A., D.Phil
Haw–jin Kim, B.S., Dr. Jur., LL.M
J. Christopher McCrudden, LL.B., LL.M., D.Phil
Anne Peters, LL.M.