

# Tulsa Law Review

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Spring 2016

## Table of Contents, Editor's Note and Preface

Ken I. Kersch

Linda C. McClain

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## Editor's Note

This issue marks the *Tulsa Law Review's* seventh edition of its much celebrated and lauded annual book review. We remain one of the few journals that provide an exclusive forum for book reviews. The essays included in this issue examine some of the most important books published within the last couple of years. Focusing on racial and gender issues in the law, to intellectual property concerns, to the true weight of Lincoln's presidency, the legal scholarship found in this issue runs the gamut of pertinent, fascinating legal issues. Each review provides a carefully crafted commentary, sure to catch the attention of any reader. The driving force behind each book review included within the pages of this issue is to add insightful commentary of some of the most important legal discussions today. We are honored to provide a forum for the authors' voices in such significant and critical conversations.

This issue marks the last year of Professors Linda McClain and Ken Kersch's tenure as co-editors of the book review. Their skills in pairing thought-provoking literature with some of the most preeminent scholars today truly are unparalleled—they will be greatly missed. We are excited to welcome Julie Novkov and Stuart Chinn to the *Tulsa Law Review* team as the new co-editors of our book review issue beginning with volume 52.

I would like to personally thank each author. I could not have imagined working with a more inspiring group of scholars that put so much thought into each word of their essays. I enjoyed working with each of you and cannot thank you enough for all of your help in making this issue truly great. I would like to extend a special thank you to each and every member of editorial staff—this issue would not be possible without the endless hours spent by each and every one of you in carefully editing and compiling this issue.

—Alia Heintz  
Editor in Chief  
Tulsa Law Review

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## Preface

Ken I. Kersch and Linda C. McClain\*

With this Preface, we introduce the sixth annual book review issue of the *Tulsa Law Review* and our third co-edited issue. For readers new to the annual book review issue, its genesis dates back to Professor Sanford (Sandy) Levinson lamenting the degree to which law reviews—most prominently the *Michigan Law Review*—were sharply cutting down on the space they were devoting to book reviews at a time when as law professors were publishing more and more books.<sup>1</sup> This was also unfortunate because thematic review essays on books, whether on a single book or on several books brought into dialogue with each other, are a way of giving books the sustained critical attention they deserve, of integrating them into broader scholarly (and public) conversations and debates, within law and across disciplines, and showing how they matter. Happily, at the invitation of the *Tulsa Law Review*, Sandy (soon joined by Professor Mark Graber, who, like Sandy, was dually trained in both law and political science) started the annual book review edition of the *Tulsa Law Review*. In introducing their first co-edited issue (Volume 46), Sandy and Mark expressed confidence that these reviews would play a useful role in liberally educating the profession, providing law professors, political scientists, philosophers, historians, sociologists, and others the opportunity to engage each other “on subjects of mutual interest and concern.”<sup>2</sup> They also saw such reviews as part of an important movement away from disciplinary divides and toward broader conversation among “scholars of law in a variety of disciplines and institutional locations” who increasingly viewed each other as a “relevant” reference group and audience.<sup>3</sup> Sandy and Mark co-edited three issues that, we believe, vindicated their expectations.

Since Sandy and Mark passed the baton to us in the fall of 2012, we have endeavored to carry forward the interdisciplinary conversation that they envisioned. As in our two prior co-edited issues (Volumes 49 and 50), in this issue, both the books under review and reviewers come from an array of disciplinary backgrounds—from law, to be sure, but also from political science, history, philosophy, and anthropology. To the extent possible, we have

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\* Ken Kersch is Professor of Political Science (with appointments in History and Law) at Boston College. Linda C. McClain is Paul M. Siskind Research Scholar and Professor of Law at Boston University.

1. Sanford Levinson, *The Vanishing Book Review in Student-Edited Law Reviews and Potential Responses*, 87 *TEX. L. REV.* 1205 (2009).

2. Mark A. Graber & Sanford Levinson, *Selection Biases*, 45 *TULSA L. REV.* 57, 575 (2010).

3. *Id.* at 577.

also carried on the practice of grouping books for review together when they address similar problems, or different problems that speak to each other in interesting ways. In this sixth issue, twenty-six reviewers evaluate forty-six books. The subject matter of these books is diverse, ranging from historical topics, such as the impact of royalist thought on the American revolution and the dynamics of Progressive-era state-building to present-day issues such as the social construction of race and controversies over regulating hate crimes in cyberspace. The books reviewed here also reach beyond national borders, both in focusing, within the U.S., on state constitutions and state courts, and, beyond the U.S., on comparative constitutional law, international courts, and global migration. We are particularly delighted that Sandy Levinson has contributed to this issue a characteristically thought-provoking essay on three recent books about Lincoln. We thank all of our reviewers for engaging with the books under review creatively and carefully. We hope that the essays in this issue provide readers with a taste of the richness and dynamism that scholars from across the university and the wider intellectual world continue to generate in work that can inform and deepen our thinking about law. The essays in this issue, we believe, may be read with profit—and enjoyment—by scholars from just about any discipline with an interest in law and related subjects.

This issue is the final issue that we will be co-editing. Following Sandy and Mark's example, we believe that rotation in office after a term of three years is salutary. Thus, we are delighted to announce that the new editors of the *Tulsa Law Review*, beginning with Volume 52 (which will be published in early 2017) are Professors Stuart Chinn, of the University of Oregon School of Law, and Julie Novkov, Department of Political Science (Chair) and Department of Women's, Gender, and Sexuality Studies, University at Albany. Both Professor Chinn and Novkov are dually trained in law and political science; both share a commitment to interdisciplinary exchange and to the importance of publishing and reviewing scholarly books. We are confident that the annual book review issue will flourish under their co-editorship.

Finally, we would like to thank Alia Heintz, Editor-in-Chief of the *Tulsa Law Review*, and her staff for their work on bringing this issue to publication.

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