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EXHIBITION

“Juvenile Jurisprudence”

Professor Morris Cohen’s Exhibition Graces Beinecke Library

WHEN MORRIS COHEN, former law librarian and professor emeritus of law, was asked to put together an exhibition at Yale’s Beinecke Rare Book and Manuscript Library, he says he didn’t have to think about what the subject of the show would be. He collects children’s books related to the law, and he knew that the Betsy Beinecke Shirley Collection of American Children’s Literature had many more volumes he could work with.

With an abundance of material, the question he had to deal with was how to organize it all. He had eight large cases to fill on the first floor of the library, and an additional eighteen small cases upstairs.

A chronological approach didn’t appeal to Cohen. “I wanted to mingle old, less visually attractive books with the sparkling modern books,” says Cohen. He began to think of bunching the books in themes. “I was surprised at how some

topics grew naturally from the collection—some that you wouldn’t think would be a topic for children’s books.”

The result of Cohen’s work was on display in the exhibition “Juvenile Jurisprudence: Law in Children’s Literature” at the Beinecke Library from January 30 through April 11.

A key motivation of much of children’s literature is pedagogical, and this is apparent in the first theme in Cohen’s exhibition, “Learning the Constitution.” Cohen explains that in the nineteenth century, the leaders of the young American republic believed that its survival depended on a knowledgeable citizenry. And so, Americans wrote and published a tremendous variety of books explaining the nature of the Constitution and the functioning of government to children. Two of Cohen’s favorite examples are tracts written by Joseph Story, who was a justice on the Supreme Court from 1811 to 1845, a professor at Harvard Law School, and also the author of fundamental treatises on the law. Story hoped to teach young people to venerate the Constitution as “the only foundation on which to rest our national union, prosperity, and glory.”

Positioned beside Story’s serious-minded texts were books that explain the Constitution with cartoons, through fables, and by catechism, dating from shortly after the formation of the union to nearly the present day.

Cohen next separated out “Narratives of Law and Morality” and “Narratives of Good Behavior”—in other words, models for children to embrace or to deplore. The titles in this section include *Parliament in the Playroom; or Law and Order Made*

Amusing and A Young Gal-lant's Whirligigg, or Youth's Reakes. Just in the titles, one can see the challenge of making good behavior seem as exciting as bad. Mischief has the advantage over propriety for entertainment value. But the miscreants in these stories regularly reach bad ends, while virtue is rewarded.

The challenge continues in other themes. Compare "Pirates and Highwaymen" with "American Law and Government"; one can't help but be drawn to the bright illustration of a brigand, standing on the deck of his ship as seas swirl and storm winds howl,

In the nineteenth century, the leaders of the young American republic believed that its survival depended on a knowledgeable citizenry.

versus sober pages of type. But Cohen points out that in the stories, brigands, highwaymen, and pirates often have rules of their own, though "radically different from our own." The epitome of the "order among thieves" theme is the Robin Hood story, and Cohen selected four Robin Hood books to form their own sub-theme. Here the entertainment and the moral education luckily coincide.

One theme that emerged as Cohen put together "Juvenile Jurisprudence" that initially surprised him was "Debtor and



Creditor." These books are about what happens when someone is sent to prison for debt. However, Cohen points out, "That [debt] should be a subject for children's books makes perfect sense, since this was a real peril for families in the nineteenth century."

This sort of insight into social and legal history was one of the perks of

putting together the exhibition, according to Cohen. He also says that he gathered a lot from the books in his exhibition about the changes in how adults see children.

Cohen's favorite book in the exhibition is one from his own collection that tells a part of the Cock Robin story. "I haven't been able to find any copy of [it] anywhere else," he says. Other books about Cock Robin focus on his murder by Sparrow or on the aftermath of this crime. Cohen's hand-colored book is called *The Quarrel and Lawsuit between Cock Robin and Jenny Wren*, and it tells the story of a legal fight arising from Robin's habit of visiting the Nightingale in the evenings to hear her sing. When Jenny Wren, Robin's wife, finds out about his nocturnal activities, she seizes the crumb of cake that Robin had brought as a gift for the Nightingale and flees. Robin sues to recover his property. But Jenny's attorney, Counselor Magpie, wins the case when he points out, "Besides in law, there is a flaw, / A flaw which I'll explain, / My client you call Jenny, / Whereas her name is Jane!"

"It's so legal and a curious digression on the story of Cock Robin," says Cohen. ∞

CONFERENCES

The wealth of intellectual activity at the School took form in a busy slate of conferences throughout the spring term, on topics from corporate governance to Middle East peace.

YLS Commemorates 30th Anniversary of *Roe v. Wade*

A daylong series of events on January 31 organized by Yale Law Women and Jack Balkin, Knight Professor of Constitutional Law and the First Amendment, commemorated the thirtieth anniversary of the landmark *Roe v. Wade* Supreme Court decision. Three Yale Law School graduates who have litigated reproductive rights cases and advocated for abortion rights spoke at a morning panel. Catherine Roraback '48, one of the attorneys who worked on the *Roe* precursor *Griswold v. Connecticut*, spoke at a luncheon. In the afternoon, Balkin led a panel of scholars, who presented their versions of how they would rewrite the *Roe* decision.

RebLaw Conference

The Rebellious Lawyering Conference, an annual, student-run event that aims to motivate participants to take action for social improvement through the law, took place in February. In addition to workshops and panel discussions, two filmmakers screened a new documentary, *Fighting for Life in the Death Belt*, which chronicles the activism of YLS Visiting Lecturer Stephen Bright, the director of the Southern Center for Human Rights. Morris Dees, founder and chief trial counsel of the Southern Poverty Law Center, delivered the conference's keynote address.

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YLS students Travis LeBlanc, Kimberly Zelnick, and Jonathan Kravis, winners of the NAAC moot court competition.

three days of regional competition, followed by the elimination rounds of the national competition. They had researched and written a brief. They had rehearsed their arguments dozens of times.

In addition, they learned as they passed through each round of competition. “The whole thing was a very rich and layered experience in the sense that we were learning from each other, from other teams, from judges,” says Kravis. “But we were also learning more substance as time went by.”

They became immersed in the case. “On the plane coming to Chicago,” says LeBlanc, “Kim and I got into an argument on something that was really tangential. We both took our positions, and we were both adamant about our positions. The stewardess reminded us that there were other people on the plane.”

The Yale team’s written brief received the highest score in the competition. Since the brief score constituted one third of the

MOOT COURT COMPETITION

YLS Students Go Undefeated and Win NAAC

On April 5, 2003, the two finalists in the American Bar Association’s National Appellate Advocacy Competition faced off in Chicago. They were Team 76 from Yale Law School and Team 192 from the University of Texas School of Law.

The Yale team was composed of Travis LeBlanc ’03, Kimberly Zelnick ’03, and Jonathan Kravis ’04. They spoke first,

acting as petitioner in the hypothetical case. Jonathan Kravis rose to face a bench of five distinguished attorneys, including a former governor of Illinois. “That moment was the most nervous that I had ever been in my entire life,” says Kravis. “I had to pause in my sentences because I couldn’t catch my breath.”

The team had already been through

Two Portraits Added to YLS Collection

A portrait of Carla Anderson Hills ’58 was one of two new additions made to the Law School this past January. Joining Hills’s portrait was a portrait of Boris I. Bittker ’41, Sterling Professor Emeritus of Law at YLS.

An unveiling ceremony for Carla Hills’s portrait, painted by Aaron Shikler, was held in November 2002 at the Century Association in New York City. A former U.S. Trade Representative, Carla Anderson Hills is chairman and chief executive officer of Hills & Company, International Consultants.

The Hon. Guido Calabresi ’58, Maurice “Hank” Greenberg, chairman and chief executive officer of American International Group, Inc., and Dean Kronman ’75 gave remarks at the ceremony.

The January 2003 unveiling of Boris Bittker’s portrait, painted by Daniel Duffy, was held at Yale Law School. Professor Bittker is the Sterling Professor Emeritus of Law at YLS, where he taught federal taxation, constitutional law, international transactions, and corporation finance. He joined the law faculty of Yale University in 1946 and was named Southmayd Professor of Law in 1958 and Sterling Professor of Law in 1970.

Judge Calabresi gave remarks at Professor Bittker’s ceremony, along with Dean Kronman, Judge (and former YLS dean) Louis H. Pollak ’48, Marvin A. Chirelstein, professor of law at Columbia University, and Justus S. Hotchkiss Professor of Law Michael J. Graetz. Judge Morris E. Lasker ’41 was unable to attend the ceremony, but sent written remarks, which were read by Dean Kronman. ∞



overall score in each round, they entered each match a few points ahead—until the final round, which was judged on oral argument alone.

The team stayed up late the night before the finals, working on refocusing their arguments based on what had and hadn't worked in earlier rounds.

Kravis says that in the final round, all their hard work paid off. "We had gone down all the dark side alleys of the case and found the tangential cases and the things that fill in the background picture." Zelnick recalls, "Travis got up there to do the rebuttal and that's when I felt it all came together in a really great way. We were able to really make our points, and I felt that the judges were listening and they were responding."

The final decision of the five judges came down in Yale's favor. They made it through the tournament undefeated.

"Yale Law School" will now be inscribed on the trophy for NAAC winner, as well as for winner of the Best Brief award. After eleven intense rounds of competition in addition to hours of practice, Kravis and Zelnick say they are relieved never to have to argue this hypothetical case again. But LeBlanc adds, "They're a lot less tolerant of it than I am. I'll argue it again."

Briefs Submitted in *Grutter v. Bollinger*

"The current membership of the BLSAs [Black Law Students Associations] has directly witnessed the ways in which a diverse academic environment creates a broader and richer understanding of the law, and can speak with conviction born from experience concerning the concrete advantages of racial diversity at their respective law schools."

— From an amici curiae brief filed by the YLS Black Law Students Association, in conjunction with the Harvard and Stanford BLSAs, in the Supreme Court case *Grutter v. Bollinger*, one of two cases dealing with

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CONFERENCES

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Bernstein Symposium

The annual symposium of the Robert L. Bernstein Fellowship in International Human Rights was held February 27-28. This year's symposium, "Global Interests and Local Needs: Striking a Balance in Post-Conflict States," sought to clarify the role that human rights, development, local empowerment, and constitutionalism play in the reconstruction of post-conflict states.

Limán Public Interest Colloquium

The Sixth Annual Arthur Limán Public Interest Colloquium, "Portraying the Public Interest: Clients, the Mass Media, and Public Policy," was held on March 6-7. This year's program focused on how to work with the media to present clients' stories to the public in an effective way. Panel discussions included "Journalists and the Public Interest" and "Effectively Crafting Client Narratives." Participants included filmmaker Doug Limán, son of the late Arthur Limán '57 and director of feature films *The Bourne Identity* and *Swingers*.

Democracy in the Digital Age

The Information Society Project hosted a weekend conference on "Democracy in the Digital Age" in April. Panels covered topics such as "How Political Decisions are Made" and "Creating Public Discourse." Benjamin Barber, a political theorist and author of *Jihad vs. McWorld*, gave a keynote address.

Student Conference on Israeli-Palestinian Peace Process

A student-organized conference on April 7, "Reviving Aspirations of Peace: Strategies for an Israeli-Palestinian Accord," examined the Israeli-Palestinian peace process. A morning discussion analyzed the strategies that had been tried in the peace negotiations that led to the failed Camp David Summit. In the afternoon session, leading actors in the negotiations between Israel and the Palestinian Authority discussed the prospects for lasting peace in the region.

Urban Community Development

An April 11 symposium on "Urban Community Development: Market, Government and Social Forces" addressed challenges and problems that exist in New Haven and in other cities around the country. The event was organized by students in the Housing and Community Development Clinic and by the Yale Law and Enterprise Forum.

Center for the Study of Corporate Law Roundtable

The Yale Law School Center for the Study of Corporate Law Roundtable on May 9 looked at pressing issues in corporate law and governance. Two paper presentations—one by Princeton economist Patrick Bolton and one by YLS Sterling Professor Alan Schwartz '64—were followed by a panel discussion on "Recent Legally Induced Changes in Corporate Governance: Necessity and Effectiveness," which included Raymond Trough '52, the current chairman of Enron Corporation.



On the morning of the YLS delegation's arrival, a heavy snow fell on Granada for the first time in decades, covering the orange groves of the Alhambra in white. Several participants likened the intellectual work of the seminar to this rare and improbable event.

MELSS Middle East Legal Studies Seminar Holds Fifth Meeting

By Kevin Kish '04

YALE LAW SCHOOL'S FIFTH MIDDLE EAST LEGAL STUDIES SEMINAR (MELSS) WAS HELD JANUARY 10-13, 2003, IN GRANADA, SPAIN. IT WAS THE FIRST TIME THE SEMINAR HAD MET SINCE SEPTEMBER 11, 2001, AND THE SPECTER OF THAT TRAGEDY, COMBINED WITH THE INCREASING PROBABILITY OF A WAR IN IRAQ, LENT A BITTERSWEET TONE TO THE MEETING, A SENSE OF UNLIKELY TOGETHERNESS IN A TROUBLED TIME.

In many ways, the location chosen for the seminar amplified this tone: Granada was the site of the last flourishing of a medieval Andalusian culture renowned for its commingling of Islamic, Jewish, and Christian influences.

MELSS brings together scholars, jurists, practicing lawyers, and students to discuss themes of broad relevance to the legal cultures of the Middle East. This is an especially daunting task given the diversity of legal systems and approaches represented by the participants, who come from a broad spectrum of national, religious, and professional identities.

A series of panels on this year's theme, "Legal Authority in the Middle East," were held at the Alhambra Palace Hotel. Papers were presented on such topics as the fraught relationship between Islamic legal authority and secular civil law; the complicated

role of jurists and judicial review in Middle Eastern societies; and the effects of colonization, globalization, democratization, and political Islam on the creation and maintenance of legal authority in the region.

Yet the measure of the seminar's success cannot be discerned only by the quality of the papers presented,

The collaborations in the hotel's meeting rooms defied the stories of cultural conflict and violent encounter found in the newspapers in the hotel's lobby.

and it is difficult to imagine that the participants traveled to the conference for the papers alone. The collaborations in the hotel's meeting rooms defied the stories of cultural conflict and violent encounter found in the newspapers in the hotel's lobby.

MELSS is a traveling encounter, in many ways a program without a home, sustained and advanced primarily by the collegiality and friendship of its diverse participants. In some ways, it is a contemporary intellectual analogue to the nomadic caravans celebrated in the classical poetry of the Arabian peninsula. Thus, it is not surprising that poetry, recited during the academic discussions as well as at meals and in toasts, played a central role in this meeting of legal scholars. Indeed, the word for a line of verse in Arabic—*bayt*—is also the word for home. One participant privately noted that the seminar would "come home" for her when all the

members could meet together in Damascus, Jerusalem, or—who knows?—even Baghdad. Until that time, MELSS finds a home in the relationships of its members, in the scholarship they share, and in the poetry they recite to one another. ∞

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affirmative action in higher education heard on April 1. The BLSA brief argued in support of the current policies at the University of Michigan Law School. Yale University signed onto a brief with several other universities supporting the right of institutions of higher education to consider race as one factor in their admissions systems, and Dean Anthony T. Kronman '75 added his name to a brief submitted by several law school deans. [Editor's note: A decision on this case was handed down on June 23, 2003, as this issue went to press.]

LECTURES

Jaroslav Pelikan

Delivers Lecture Series on "Interpreting the Great Code"

Jaroslav Pelikan, Sterling Professor Emeritus of History, delivered a series of four spring lectures co-sponsored by Yale Law School and Yale Divinity School, titled "Interpreting the Great Code: The Bible and the Constitution in the Church and in the Court."

Pelikan's talks explored a congruence in secular and religious traditions. "I've been intrigued for a long time by the similarities and the differences between the methods by which the church in its official action interprets the Bible and by which

"Secular humanists believe that a text that's 200 years old, written before jet planes or automobiles, nevertheless tells you how to educate your children..."

the Supreme Court interprets the Constitution," he said.

Pelikan remarked that he is often asked why, having written books on secular topics, he devoted much of his career to studying the church's interpretation of the Bible. He responds to his interrogators by

drawing a parallel between the two fields. "Secular humanists believe that a text that's 200 years old, written before jet planes or automobiles, nevertheless tells you how to educate your children. They believe that there is some agency, right across the street from the United States Capitol, which has the authority to say, 'This is what that ancient text means and if you don't follow that you'll go to jail.' That's really all that the church has ever said."

The talks also delineated distinctions between the cultural histories of these two foundational documents. For example, he points out, "A complicating factor is that the Bible was written in Hebrew and Greek. Therefore the authority of the Bible functionally in various cultures...has been the authority of a translation...The democratic implications of every believer for himself are at least mitigated by this stubborn linguistic reality." ☞

To read more articles about YLS faculty, staff, and students, visit @YLS on the Law School website: www.law.yale.edu.

Other speakers at the Law School this spring included:

Mahzarin Banaji, Dean's Lecture, "Mind Bugs: The Psychology of Ordinary Prejudice."

Steven Brill '75, Brown Bag Lunch, "After: How America Confronted the September 12 Era"

Joseph Raz, Storrs Lectures, "Between Authority and Morality"

Gary Hart '64, "The War With Iraq: What's Next?"

Stuart Eizenstat, "Imperfect Justice: Looted Assets, Slave Labor, and the Unfinished Business of World War II" The Hon. **Judith S. Kaye**, Chief Judge of the State of New York, Anderson Lecture, "Delivering Justice Today"

Martha Barnett, former ABA President, Preiskel-Silverman Lecture, "Terrorism, Technology, and the Changing Reality of Personal Privacy."

Symposium Focuses on Legal Scholarship of Owen Fiss



The scholarship of Owen Fiss, Sterling Professor of Law, was the focus of a two-day academic conference March 21 and 22 sponsored by the University of Miami Law Review in cooperation with Yale Law School, held at the Biltmore Hotel and Resort in Coral Gables, Florida. Among the featured speakers were Aharon Barak, president of the Supreme Court of Israel, as well as law professors and legal scholars from across the nation. Yale Law School participants included Dean Anthony Kronman '75, as well as professors Jack M. Balkin, Robert A. Burt '64, Jules L. Coleman '76 MSL, Robert W. Gordon, Paul W. Kahn '80, George L. Priest, Judith Resnik, and Reva Siegel '85.