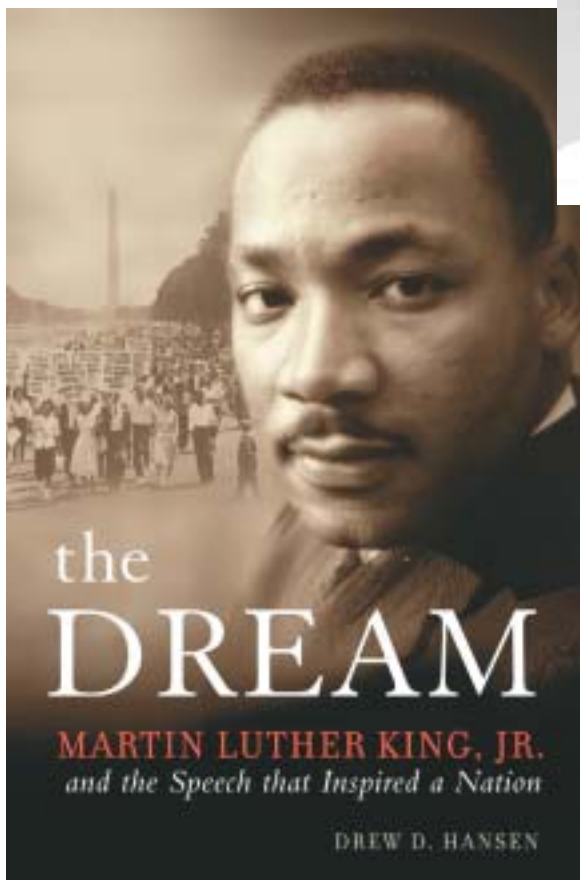


Books in Print

by Yale Law School Alumni, Faculty, Staff, and Students

Drew Hansen's

DREAM



The Dream: Martin Luther King, Jr., and the Speech that Inspired the Nation

Ecco, 2003



As Drew Hansen '99 researched the world in which Martin Luther King, Jr., delivered his "I Have a Dream" speech on August 28, 1963, he was surprised at the "brutal" segregation that still existed.

Hansen elaborates, "Ten years after *Brown*, eighty years after the Supreme Court's decision in *Strauder* on racial discrimination on juries, a hundred years after the Fifteenth Amendment, fifteen years after *Kraemer*, the north and the south are totally segregated. And segregation is showing no signs of breaking until the civil rights movement comes on the scene."

However, Hansen notes that by the time he was born, nine years after the speech, most of the great victories of the movement had been won—including the Voting Rights Act and the Civil Rights Act. He started thinking about the speech in law school, when he noticed that most people in his generation knew more about "I Have a Dream" than any other moment in civil rights history. Hansen says, "I started to wonder why that was so. The more I looked at that speech, the more I realized what an extraordinary accomplishment it was."

The Dream opens with a discussion of the civil rights movement and King's career leading up to the summer of 1963 and quickly moves over the planning of the March on Washington for Jobs and Freedom and the early events of that day. By the time King steps to the dais for his famous speech, the reader may be as anxious to hear him as the people who waited in front of the Lincoln Memorial.

Hansen dissects the speech but also displays it in its full power. He compares the different drafts that King worked from, including a prepared speech that was distributed to the media on the day of the march, with the words King actually

spoke. It turns out that King abandoned his written text for the second half of the speech, including the dream section by which the speech is remembered today.

Hansen goes on to analyze the rhetoric, origins, context, and biblical imagery of the speech. In his research, Hansen traveled to the King archives in Atlanta and Boston and to other libraries around the country. He also conducted interviews with about forty people who knew King or were

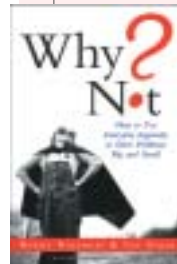
He started thinking about the speech in law school, when he noticed that most people in his generation knew more about “I Have a Dream” than any other moment in civil rights history.

active in the civil rights movement. As Hansen returned to King’s words over and over, and considered them as literature, sermon, history, political speech, he says, “the project only deepened my appreciation of and awe at the speech.”

Hansen’s book started at the Law School as a paper about the language of civil rights in a class taught by Bruce Ackerman. That work provided one of the fundamental observations in the book: that King’s speech contributed something new and special to the discussion of civil rights—an optimistic dream of racial harmony. “In 1963,” Hansen points out, “no one beside Martin Luther King was appearing on national television and painting an oratorical picture of what America could be.”

Hansen continued to write about King while he was at law school, working with professors Owen Fiss, Burke Marshall ’51, and Drew Days ’66—all of whom helped him by reading drafts and providing insights. “I couldn’t have done this book without the extraordinary amount of help and support I got in law school,” says Hansen. ∞

Here’s just a sampling of the many books recently written or edited by our alumni, faculty, staff, and students. We welcome your submissions. If possible, please send us two review copies of your book: one for the Lillian Goldman Law Library and one for the Alumni Reading Room.



Ian Ayres, Barry J. Nalebuff

Why Not? How to Use Everyday Ingenuity to Solve Problems Big and Small

Harvard Business School Press, 2003

Ayres ’86, William K. Townsend Professor of Law, and Nalebuff argue that innovation is not something that needs to be left to experts. The authors present ideas like “Why not have telemarketers

pay for your time when they call?” and “Why not sell pay-per-mile auto insurance?,” showing us how to think in new ways about the problems we encounter every day.

Michael Doyle

The Forestport Breaks:

A 19th Century Conspiracy on the Black River

Syracuse University Press, 2004

In researching his family history, Doyle ’98 MSU uncovered what one 19th-century New York lawman called “the most damnable conspiracy ever hatched up in our state.” A rough-and-tumble canal town on the edge of the Adirondacks was dying at the turn of the century—until levees started breaking and public dollars started flowing. It took Governor Theodore Roosevelt, Pinkerton detectives, and some serious sleuthing to crack the case that symbolized systemic Erie Canal corruption.

Peter Feng

Intellectual Property in China (Second Edition)

Sweet & Maxwell Asia, 2003

Feng ’93 examines the laws, policies, and practices in all areas of Chinese intellectual property from post-Cultural Revolution to post-WTO China. Issues of enforcement and challenges of the new rights are discussed in light of the ongoing transparency and anti-corruption reforms in the People’s Court, government units, cadre system and state-owned enterprises, as well as the central leadership’s official endorsement of a “rule of law” strategy of social control.

continued on next page >

► **Books in Print**

► Books continued from previous page

Victor Ferreres Comella

The Void-for-Vagueness Doctrine in Criminal Law and the Role of Precedent: A Constitutional Approach

Civitas Ediciones, S.L., 2002

Ferreres Comella '92 LL.M. examines the principle that requires the criminal law to be clear and precise, so that citizens can plan their actions, and so that the public officials that impose punishments can be duly constrained by the law. Using cases from courts around the world, the author explores the ways in which a constitution that protects fundamental rights has important consequences for this principle.

Owen M. Fiss

The Law as It Could Be

New York University Press, 2003

Fiss, Sterling Professor of Law, offers his body of work on procedure, adjudication, and public reason, some of which are among

the most cited in twentieth century legal studies. Reclaiming the legacy of *Brown v. Board of Education* and the principles upon which it was founded, he argues for a vision of judges as embodying public reason and of the courts as a means of shaping society in the image of the Constitution.

James N. Gardner

Biocosm. The New Scientific Theory of Evolution: Intelligent Life is the Architect of the Universe

Inner Ocean Publishing, Inc., 2003

Gardner '74 outlines a bold hypothesis that challenges previous paradigms of how the universe began and what its ultimate destiny will be. He bases his theory on interdisciplinary scientific evidence in the fields of physics, biology, biochemistry, astronomy, and cosmology that supports what he calls the Selfish Biocosm hypothesis.

Bittker's *Black Reparations* Still Timely Thirty Years Later

Boris I. Bittker

The Case for Black Reparations

Beacon Press, 2003



In 1969, civil rights activist James Forman interrupted a Sunday morning service at New York City's Riverside Church to present his "Black Manifesto to White Christian Churches and the Jewish Synagogues in the United States of America and All Other Racist Institutions," demanding \$500 million in reparations "due us as people who have been exploited and degraded, brutalized, killed and persecuted." The move was greeted with little sympathy in the white community, yet most detractors expended their efforts on decrying Forman's tactics, not analyzing his proposal. Inspired by the "Black Manifesto," Yale Law School professor Boris Bittker '41 subjected Forman's demand to a legal analysis. The result was the publication, in 1973, of Bittker's classic work, *The Case for Black Reparations*.

"Although circumstances have changed over the past thirty years, the vexing questions about whether and how to remedy old wrongs are still with us."

In his book, Bittker focused on the effects that forced school segregation had on the lives and the earning power of African Americans, and called for a class action suit to focus attention on the "identifiable damages to identifiable individuals of a practice that was ruled unconstitutional by the Supreme Court in *Brown v. Board of Education*, decided in 1954."

This year, Beacon Press reissued the landmark work. Many developments have taken place in the thirty years since Bittker's book was originally published. In a forward to the new edition, Drew S. Days, III '66, Alfred M. Rankin Professor of Law, notes the filings of reparations lawsuits against major corporations seeking compensation for the profits reaped from slave labor and slave trading, the federal government's apology and compensation to the U.S. citizens of Japanese descent and resident aliens interred during World War II, and reparations to Holocaust victims by European governments.

"The reissuance of *The Case for Black Reparations* could not be more timely," says Days. "Although circumstances have changed over the past thirty years, the vexing questions about whether and how to remedy old wrongs are still with us."

Alan Hyde

Working in Silicon Valley: Economic and Legal Analysis of a High-Velocity Labor Market

M.E. Sharpe, 2003

During its boom phase, the Silicon Valley was a center of attention for many

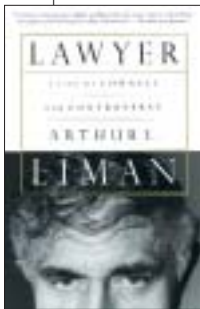
reasons, but especially for its labor-market arrangements. Hyde '75 explores these employment practices and their implications for other industries where mobility is high and the employment relationship is loose.

Philip C. Kissam

The Discipline of Law Schools: The Making of Modern Lawyers

Carolina Academic Press, 2003

Kissam '68 looks at the basic practices, ideas, and habits in American law schools in an attempt to disclose the implicit or tacit knowledge about law and lawyers that is produced in unintended ways by the current system, and argues for changes that could promote more effective, more democratic, and more humane legal education.



Arthur L. Liman

Lawyer: A Life of Counsel and Controversy

Public Affairs Books, 2003

(paperback edition)

In this memoir, written in the months before his death, Liman '57 discusses his life in the law from the moment Roy Cohn's performance at

the McCarthy hearings inspired him to become a lawyer, to his influential investigation of the Attica prison uprising, through his role as chief counsel to the Iran-Contra hearings, with looks at many fascinating cases, clients, and controversies along the way.

Barbara T. Lindemann and David D. Kadue

Age Discrimination in Employment Law

BNA Books, 2003

Age discrimination is emerging as one of the fastest growing areas of employment discrimination litigation. Lindemann '56 and Kadue give a detailed examination of every issue practitioners confront in this area—from filing a complaint through trial.

Deborah L. Rhode, Editor

The Difference "Difference" Makes:

Women and Leadership

Stanford University Press, 2003

Why are women so dramatically underrepresented in formal leadership positions—and what can be done to improve the situation? Rhode '77 takes up these questions in the contexts of law, politics, and business with the help of several contributors, including Charisse Lillie '82 LL.M., Eleanor Holmes Norton '64, and Arthur Liman Professor of Law Judith Resnik.

Robert E. Rubin

In an Uncertain World: Tough Choices from Wall Street to Washington

Random House, 2003

From his early years in the arbitrage department at Goldman Sachs to his Treasury Secretary post to his current position as chairman of the executive committee of Citigroup, Rubin '64 has been a major figure at the center of the American financial system. In this memoir, he offers a shrewd analysis of some of the most important events in recent American history and his views on dealing with the new risks of the global economy.

Jovito R. Salonga

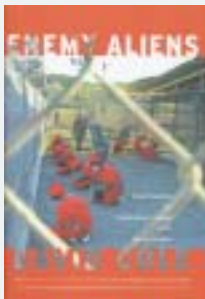
The Intangibles That Make a Nation Great

Media Graphics Printing Press, Inc., 2003

This collection of speeches, lectures, and writings by former Philippine senator Salonga '49 JSD includes his views on government, law and politics, martial law, presidential plunder, and impeachment.

continued on next page >

WHAT'S NEW IN THE WAR ON TERRORISM...



David Cole

Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism

The New Press, 2003

Cole '84 argues that, in balancing liberty and security in the war on terrorism, we have consistently relied on a double standard, imposing measures on foreigners that we would not tolerate if they were applied more broadly, and that we may be paving the way for similar measures against American citizens.

Mary L. Dudziak, Editor

September 11 in History: A Watershed Moment?

Duke University Press, 2003

Dudziak '84 edited this collection of essays, which scrutinizes claims about September 11, in terms of both their historical validity and their consequences. Contributions range from an analysis of terms like "ground zero" and "homeland," to an argument that the U.S. naval base at Guantanamo Bay has become a site for acting out a repressed imperial history. YLS Visiting Professor Khaled Abou El Fadl is a contributor.



► **Books in Print**

► continued from previous page

Austin Sarat and Jonathan Simon, Editors

Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism

Duke University Press, 2003

Sarat '88 and Simon demonstrate that scholars of law have begun to mine the humanities for new theoretical tools and kinds of knowledge. Drawing on legal scholarship, literary criticism, psychoanalytic theory, and anthropology, the essays collected exemplify the contributions cultural analysis and cultural studies make to interdisciplinary legal study.

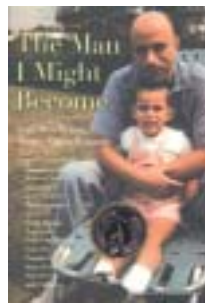
rary answers to questions such as, what should we expect from democracy? And, how likely is it that democracies will live up to those expectations? In this wide-ranging discussion, the author lays out his distinctive alternative, and explores its implications for policy and political action.

Bruce Shenitz, Editor

The Man I Might Become:

Gay Men Write about Their Fathers

Marlowe and Company, 2002



Shenitz '94 MSL assembled twenty-eight essays that, taken together, offer a comprehensive picture of how the lives of gay sons and their fathers unfold. Moving sequentially from "alienation toward reconciliation,"

the essays offer insights for any gay man coming to terms with his father, his family, and his own future as a man, as well as any reader curious about the ways we live with the legacy of our fathers.

Eric W. Sievers

The Post-Soviet Decline of Central Asia: Sustainable Development and Comprehensive Capital

RoutledgeCurzon, 2003

Sievers '00 takes on the task of explaining the remarkable economic declines of the post-Soviet Central Asian states (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan) in the past decade, and the turn of these states toward despotism, challenging readers to realize the implications of globalization and the challenges of sustainable development.

Daniel J. Solove and Marc Rotenberg

Information Privacy Law

Aspen Publishers, 2003

Solove '97 and Rotenberg survey the field of information privacy law, covering privacy issues involving the media, health and genetic privacy, law enforcement, freedom of association, anonymity, identification, computers, records, cyberspace, home, school, workplace, and international privacy.

James Gustave Speth, Editor

Worlds Apart:

Globalization and the Environment

Island Press, 2003

Speth '69, dean of the Yale School of Forestry and Environmental Studies, examines the social and environmental dimensions of globalization and the evolution of global environmental governance. The book addresses the economy's globalization and the need to make the transition

to sustainability. An essay by Daniel Esty '86, Clinical Professor of Environmental Law and Policy, is also included.



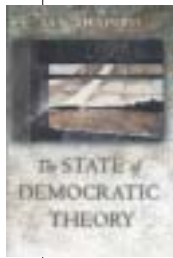
Ian Shapiro

The State of Democratic Theory

Princeton University Press,

2003

Shapiro '88 offers a critical assessment of contempo-



WHAT'S NEW IN **HISTORY...**

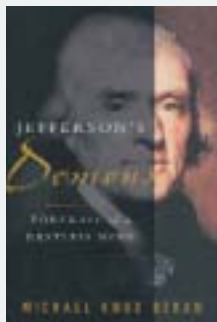
Michael Knox Beran

Jefferson's Demons:

Portraits of a Restless Mind

Free Press, 2003

Beran '93 illuminates an optimistic man's darker side—Thomas Jefferson as we have rarely seen him before. This book serves as an account of the strangeness and originality of one Founder's genius. Beran uncovers the maps Jefferson used to find his way out of dejection and to forge a new democratic culture for America.



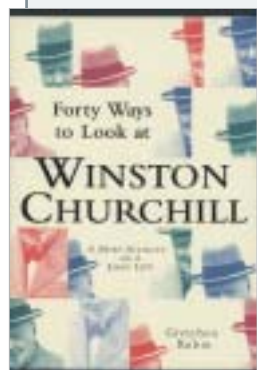
Gretchen Rubin

Forty Ways to Look at Winston Churchill:

A Brief Account of a Long Life

Ballantine Books, 2003

Rubin '94 reveals forty ways to view the contradictory character of one of history's greatest leaders, presenting Churchill in all his complexity—his triumphs and failures, humor and pomposity, inspired tragedies and oddball notions.



ALSO OF NOTE...

Edward J. Murphy, Richard E. Speidel, and Ian Ayres '86, William K. Townsend Professor of Law
Studies in Contract Law, Sixth Edition
Foundation Press, 2003

Hillary Rodham Clinton '73
Living History
Simon & Schuster, 2003

Owen M. Fiss, Sterling Professor of Law, and Judith Resnik, Arthur Liman Professor of Law
Adjudication and Its Alternatives: An Introduction to Procedure
Foundation Press, 2003

Brandt Goldstein '92, Dahlia Lithwick
Me v. Everybody: Absurd Contracts for an Absurd World
Workman Publishing Company, 2003

Michael J. Graetz, Justus S. Hotchkiss Professor of Law
Foundations of International Taxation
Foundation Press, 2003

Stanley S. Herr '70, Lawrence O. Gostin, and Harold Hongju Koh, Gerard C. and Bernice Latrobe Smith Professor of International Law
The Human Rights of Persons with Intellectual Disabilities: Different but Equal
Oxford University Press, 2003

Detlev F. Vagts, William S. Dodge '91, and Harold Hongju Koh, Gerard C. and Bernice Latrobe Smith Professor of International Law
Transnational Business Problems, Third Edition
Foundation Press, 2003

Joseph I. Lieberman '67 and Hadassah Lieberman
An Amazing Adventure: Joe and Hadassah's Personal Notes on the 2000 Campaign
Simon & Schuster, 2003

Minoru Tokumoto '94 LL.M.
The Legal Theory of Hostile Takeovers
Kyushu University Press, 2000

Lee Strobel

The Case for Christ: A Journalist's Personal Investigation of the Evidence for Jesus

Zondervan Publishing House, 1998
 Journalist Strobel '78 MSL cross-examines a dozen experts with doctorates from schools like Cambridge, Princeton, and Brandeis with questions about whether evidence exists for Jesus outside the Bible, in a quest for the truth about history's most compelling figure.

Allan Topol
Conspiracy

Onyx Books, 2004
 Topol '65 produces another thriller with his third spy novel. In this one, the action leads from the power corridors of Washington, D.C., to the streets of Japan, as a senator and promising presidential candidate is found dead and rumors swirl.

Luc Wintgens

Legisprudence: A New Theoretical Approach to Legislation

Hart Publishing, 2002
 Wintgens '90 LL.M. applies the tools of legal theory to problems common to most European legal systems, enlarging the scope of legal theory in this new approach to include not just the application of law by the judge, but the creation of law by the legislator.

Adir Waldman

Arbitrating Armed Conflict: Decisions of the Israel-Lebanon Monitoring Group

Juris Publishing, 2003
 Waldman '02 deals with an unprecedented experiment in international law: the 1996 Grapes of Wrath Agreement

between Israel and Lebanon, where the two governments agree not to end the conflict but to pursue it under a specific set of restrictions. His work casts light on this unique instrument of international and military law.

Janet S. Wong
Minn and Jake

Frances Foster Books, 2003
 Through her poetry, Wong '87 tells a story for children about friendship—how to choose a best friend, how not to choose a best friend, and how to let friendships develop on their own. The book complements another of Wong's books recently published by Simon & Schuster Children's Publishing Division, titled *Knock on Wood: Poems About Superstitions*. ☺