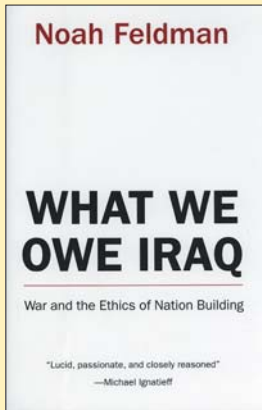


# Books in Print

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



“Shortly after I finished explaining about Ambassador Bremer and the eventual emergence of a council of Iraqis someone started shooting at us. And then we jumped back in our Humvee and we drove off.”

## Noah Feldman on Reconstructing Iraq

### **What We Owe Iraq: War and the Ethics of Nation Building**

*Princeton University Press, 2004*



One day in May 2003 Noah Feldman '97 was standing near a Humvee parked in a Baghdad neighborhood, when an Iraqi man asked him,

“Who is the government?” Feldman was astonished by the question, but he set about to explain how this man’s country was being run. “Shortly after I finished explaining about Ambassador Bremer and the eventual emergence of a council of Iraqis,” says Feldman, “someone started shooting at us. And then we jumped back in our Humvee and we drove off.”

Feldman was in Iraq as the senior constitutional adviser to the Coalition Provisional Authority. He stayed from late April through July, but this incident stood out as the most dramatic. “At the time I thought this was a bizarre experience—I’d never been asked who’s the government by anybody before, I’d never been shot at before.” He adds: “In retrospect, I realize it was one of the early signals I saw of how the fact that we weren’t really seen by the Iraqis as being in charge was opening up a space for the insurgency.”

While he was in Iraq, Feldman says he had little time to analyze the situation around him, being consumed with observing what was going on and keeping notes on his experience. As a constitutional adviser, he was also “trying to make decisions, a lot of them on the fly, and also trying to reflect in a more serious way on what a successful Iraqi constitution would look like.”

After returning to the United States, he started writing *What We Owe Iraq* both to record the experience of the first stage of nation building and to “try to think about the ethics of what that meant, instead of only thinking about the pragmatic side of it.”

One of his first realizations upon looking at the situation in Iraq from a remove was that the failure to provide true security in the country had jeopardized the whole enterprise. He calls this

the “original sin of this entire undertaking.” He explains, “If you’re just an ordinary person living in any country in the world, the first thing you want, before you want justice, is basic order. You want to be able to leave your front door without being shot.”

The focus of Feldman’s ethical argument develops from this observation—that the U.S., in making decisions about Iraq, has to weigh the interests of the Iraqi people along with U.S. strategic interests. This is a component that Feldman says is often missing from discussions of Iraq.

One particular challenge to writing a book about Iraq was that the situation there was likely to

change between when Feldman set thoughts down on paper and when the book became available to readers. In part, Feldman countered this by conceptualizing *What We Owe Iraq* as a historical treatment of the year in which the U.S. was the occupying power in Iraq. Still, he couldn’t avoid some developing issues, such as the prospects for democracy in Iraq, which he says deteriorated in the months after he sent the book to press. But Feldman maintains that what he wrote still applies. “The reasons that it’s going downhill are exactly what I’m identifying: namely, our failure to provide adequate security.” ∞

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.

**Kristen David Adams and Christen Civileto Carey**  
**The Practice of Law School: Getting in and Making the Most of Your Legal Education**

*ALM Publishing, 2003*  
 Adams ’00 LL.M. and Carey help new law students determine what to expect, how to succeed at every stage, and how to make their law school experience both fulfilling and relevant to their development as lawyers.

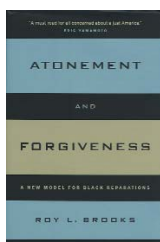
**T. Bill Andrews**

**Power Tie:**

**Ivy Legalese at Yale Law School**

*Delphic Oracle/InstantPublisher.com, 2004*

This novel by Andrews ’89 is set at Yale Law School, and chronicles a fictional first semester. The episodic nature of the book is based upon a structure used by Kurt Vonnegut.



**Roy L. Brooks**  
**Atonement and Forgiveness:**

**A New Model for Black Reparations**

*University of California Press, 2004*

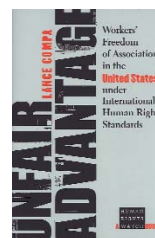
Brooks ’75 reframes one of the most important, controversial, and misunderstood issues of our time in this reassessment of the growing debate on black reparations. He makes a passionate case that only with a spirit of heightened morality, egalitarianism, and restorative justice, can genuine racial reconciliation take place in America.

**Carl Q. Christol**

**International Law and U.S. Foreign Policy**

*University Press of America, 2004*

Christol ’47 analyzes the relationship between international law, including the UN Charter, and present-day American foreign policy. From the competing perspectives of unilateralism and multilateralism, the book discusses terrorism, concerns for national security, the American courts best suited for the trial of detainees and unlawful combatants, and the fear that some governmental responses have crossed constitutional boundaries.



**Lance Compa**

**Unfair Advantage: Workers' Freedom of Association in the United States under International Human Rights Standards**

*Human Rights Watch and*

*Cornell University Press, 2004*

Like many Americans unfamiliar with violations suffered by workers in organizing and bargaining, human rights advocates saw trade unionists not as victims of

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abusive treatment but as favored labor elites. By focusing on case studies of workers' rights violations in the United States in light of international human rights standards, Compa '73 tries to change that perspective.

**Richard Cutler**

### **Counterspy: Memoirs of a Counterintelligence Officer in World War II and the Cold War**

*Brassey's Inc., 2004*

This book by Cutler '41 is as much a history as memoir, containing many not previously published episodes about counterespionage against the KGB's predecessor in Berlin.

**Lawrence Douglas and**

**Alexander George**

### **Sense and Nonsensibility: Lampoons of Learning and Literature**

*Simon & Schuster, 2004*

Douglas '89 and George present the thinking person's answer to the life of the mind in today's mindless age. They take aim at everyone from "scheming scholars to philistine philosophers and from plagiarizing poets to pandering publishers" in this collection of humorous writings that pokes fun at literature, contemporary education, and popular culture.

**Owen Fiss**

### **A New Civil Procedure: North American Studies in Adjudication, Constitution, and Society**

*Editora Revista dos Tribunais,*

*August 2004*

This book is a Brazilian version of *The Law as It Could Be* published by Professor Owen Fiss in the U.S. in 2003. It contains some of Fiss's most important pieces on procedure, adjudication, and public reason, which are among the most cited works in twentieth-century American legal studies.

**Gilbert Hahn, Jr.**

### **The Notebook of an Amateur Politician (And How He Began the D.C. Subway)**

*Lexington Books, 2002*

Hahn '48 gives his personal account of what has transpired, both to Washington and to himself, in the years since he first appeared on the political scene.

**Jorge Roberto Hayzus**

### **Fideicomiso**

*Editorial Astrea de Alfredo y Ricardo*

*DePalma, 2004*

Originally written as a guide for the layman to the operation of the Argentine statute on trusts, this updated version introduces the Uniform Trust Code to the Spanish-speaking legal community and shows the convergence of the modern trust in the U.S.A. and the *fideicomiso* in Argentina. Hayzus '46 gratefully acknowledges the assistance of John H. Langbein, Sterling Professor of Law and Legal History, with this work.

**Larry Hollar**

### **Hunger for the Word: Lectionary Reflections on Food and Justice**

*Liturgical Press, 2004*

Hollar '73 provides weekly reflections on biblical passages from the standpoint of a concern for hunger and justice.

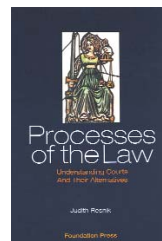
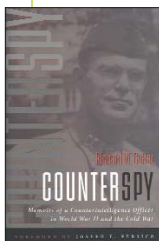
**Judith Resnik**

### **Processes of the Law: Understanding Courts and Their Alternatives**

*Foundation Press, 2004*

In her book, Resnik, Arthur Liman Professor of Law, maps the landscape of processes

for responding to disputes, to enable those interested in or concerned about process to participate in contemporary debates about the legitimacy and desirability of reformatting opportunities to challenge authority, and to enlist a wider audience in thinking about the relationship among justice, equality, and process.



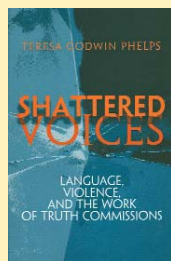
## WHAT'S NEW IN HUMAN RIGHTS

**Julie Mertus**

### **Bait and Switch: Human Rights and U.S. Foreign Policy**

*Routledge, 2004*

Mertus '88 argues that talk of human rights has become the political equivalent of a bait and switch. Like the car salesman promoting an amazing but bogus deal in order to get people into the showroom, politicians promise human rights to gain support for their policies, and then offer a substitute unreflective of a genuine concern for rights.



**Teresa Godwin Phelps**

### **Shattered Voices: Language, Violence, and the Work of Truth Commissions**

*University of Pennsylvania Press, 2004*

Although many praise the work of truth commissions for empowering and healing through words rather than violence, some condemn the practice as a poor substitute for traditional justice, achieved through trials and punishment. Phelps '89 MSL explores the benefits and problems inherent when a fragile country seeks to heal its victims without risking its own future. ∞

Deborah L. Rhode

**Access to Justice**

*Oxford University Press, 2004*

Jimmy Carter famously said that the United States was simultaneously “overlawyered and underrepresented.” Rhode ’77 demonstrates how both statements can be true—and, despite the ABA’s pro bono challenge and decades of public service initiatives, shows little sign of changing.

Roberto Saba, Editor

**Violencia y Derecho**

**(Violence and the Law)**

*Editores del Pueblo, 2004*

Editor Saba ’95 LL.M., ’00 JSD has compiled seventeen papers from the annual Latin American Seminar on Constitutional and Political Theory. The book discusses a range of issues related to the way in which the law addresses violence, observed from a multiplicity of philosophical and national perspectives.



Peter M. Shane

**Democracy Online:**

**The Prospects for Political Renewal Through the Internet**

*Routledge, 2004*

In this book Shane ’77 offers a set of explorations from communications studies, information science, law, philosophy, political

psychology, political science, and sociology of opportunities for the Internet to revitalize democratic practice.

Peter M. Shane, John Podesta,

and Richard C. Leone, Editors

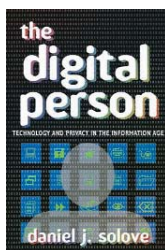
**A Little Knowledge:**

**Privacy, Security, and Public**

**Information after September 11**

*Century Foundation Press, 2004*

This text from Shane ’77, Podesta, and Leone examines the different ways that public security, government transparency, and the individual’s right to privacy have been placed at odds after September 11.



Daniel J. Solove

**The Digital Person:**

**Technology and Privacy in the Information Age**

*NYU Press, 2004*

Solove ’97 explores the social, political, and legal implications of the collec-

tion and use of personal information in computer databases, asking whether it is possible to protect privacy in a society where information flows so freely and proliferates so rapidly.

William L. Taylor

**The Passion of My Times:**

**My Fifty-Year Journey**

**Through the Civil Rights Revolution**

*Carroll & Graf, 2004*

Taylor ’54 uses behind-the-scenes vignettes to portray some of the nation’s best-known politicians, including presidents, at both their finest and worst moments in confronting racial issues.

Allan Topol

**Enemy of My Enemy**

*Onyx Books, 2005*

Allan Topol ’65 returns with a lightning-paced thriller that takes readers into the shifting sands of international intrigue and the silent war against terror.

Christopher Wolfe, Editor

**That Eminent Tribunal: Judicial**

**Supremacy and the Constitution**

*Princeton University Press, 2004*

Robert F. Nagel ’72 is one of many contributors, gathered here by editor Christopher Wolfe, who argues that the Court’s power has exceeded its appropriate bounds, and that sound republican principles require greater limits on that power. ∞

**ALSO OF NOTE**

Michael D. Barone ’69

**Hard America, Soft America**

*Crown Forum, 2004*

David Boies ’66

**Courting Justice:**

**From New York Yankees vs. Major League Baseball to Bush vs. Gore, 1997–2000**

*Miramax Books, 2004*

Bill Clinton ’73

**My Life**

*Knopf, 2004*

Gary W. Hart ’64

**The Fourth Power:**

**A Grand Strategy for the United States in the Twenty-First Century**

*Oxford University Press, 2004*

Otto Petrovic, Michael Ksela,

Markus Fallenböck ’01 LL.M.,

and Christian Kittl, Editors

**Trust in the Network Economy**

*Springer-Verlag/Wien, 2003 ∞*