

Books in Print

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



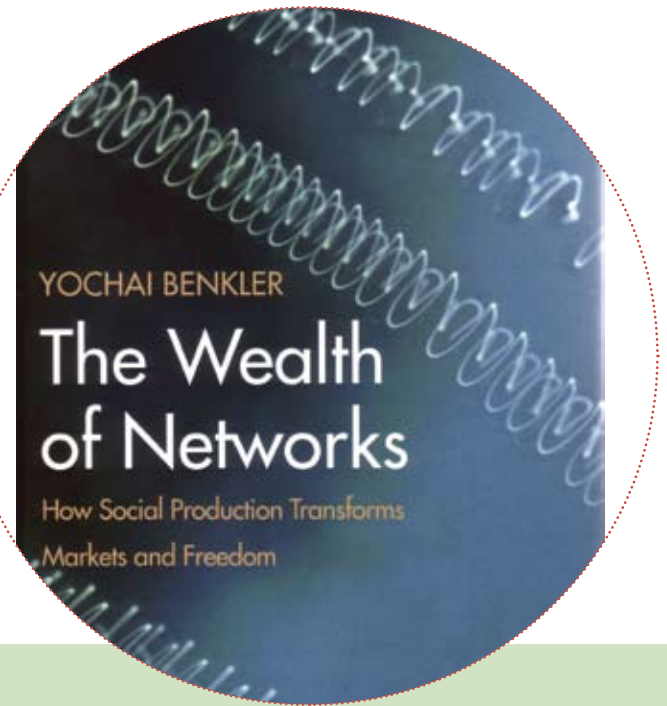
Bruce Ackerman

**Before the Next Attack:
Preserving Civil Liberties in an Age of Terrorism**

Yale University Press, 2006

In this timely book, Sterling Professor of Law and Political Science Bruce Ackerman '67 takes a critical look at court opinions and legislation passed in response to 9/11 and other acts of terrorism. Ackerman warns against a world where future terrorist attacks will breed increasingly repressive legislation. "Even if the next half-century sees only three or four attacks on a scale that dwarf September 11, the pathological political cycle will prove devastating to civil liberties by 2050," Ackerman writes. "Above all else," he continues, "we must prevent politicians from exploiting momentary panic to impose long-lasting limitations on liberty."

Before the Next Attack goes on to imagine an alternative legal and political framework that would allow a response to terrorism without threatening fundamental liberties. In anticipation of future acts of terrorism, Ackerman argues for the creation of an "emergency constitution"—a model that would create new checks and balances and would allow for a decisive yet controlled response to a terrorist attack.



Yochai Benkler

**The Wealth of Networks:
How Social Production Transforms Markets and Freedom**

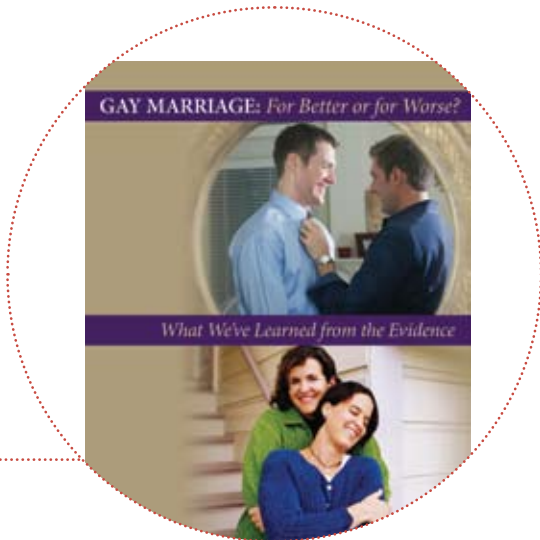
Yale University Press, 2006

Professor of Law Yochai Benkler examines how the Internet has changed the way information is created and exchanged, and how the networked world impacts social interaction, the economy, and democracy.

"It seems passé today to speak of 'the Internet revolution,'" Benkler writes in the book's opening chapter. "In some academic circles, it is positively naïve. But it should not be. The change brought about by the networked information environment is deep. It is structural. It goes to the very foundations of how liberal markets and liberal democracies have coevolved for almost two centuries."

Benkler suggests that with the growth of this "networked information economy," individuals are empowered with new avenues to autonomous creativity and greater resources to participate as global citizens. *The Wealth of Networks*, as its title suggests, is a defense of the Internet's ability to make positive contributions, even strides toward greater freedom and justice. Taking a note from his own book, Benkler has created a Wealth of Networks Wiki (www.benkler.org/wealth_of_networks) where you can download chapters and collaborate in a continuing discussion about the book's principles.

► Books in Print



William N. Eskridge, Jr. and Darren R. Spedale

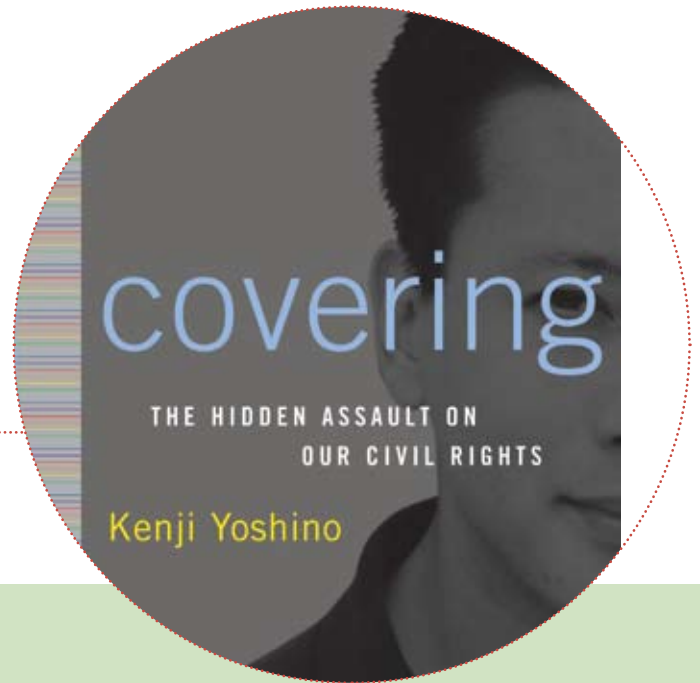
Gay Marriage: For Better or For Worse?

Oxford University Press, 2006

Co-authors William Eskridge, Jr. '78, John A. Garver Professor of Jurisprudence, and Darren Spedale add a new dimension to the discussion of gay marriage rights by offering the first empirical evidence of the impact of gay marriage. *Gay Marriage* presents sixteen years of data about gay marriage from Scandinavia, where same-sex partnerships have been on the books since 1989. Eskridge and Spedale examine the evolution of gay marriage laws in the Nordic countries, and the way that same-sex marriage has affected individual gay couples, their children, and their communities.

Ultimately, *Gay Marriage* asserts that the legalization of same-sex marriage in Scandinavia has not undermined the institution of marriage. If anything, Eskridge and Spedale believe, gay marriage has strengthened marriage in Scandinavia and could do so in the United States as well.

The authors observe that there are now more than half a million committed lesbian and gay couples in the U.S., more than a fourth of whom are raising children. "From a profamily point of view," the authors ask, "what should be society's or the state's stance toward those households? Those children?"



Kenji Yoshino

Covering: The Hidden Assault on Our Civil Rights

Random House, 2006

Part memoir, part legal manifesto, *Covering* tackles an issue often overlooked in the discussion of civil rights: the social expectation of conformity.

Yoshino '96 begins his book by asserting that everyone "covers." This downplaying of stigmatized cultural, racial, religious, and gender differences, Yoshino argues, is a final frontier of civil rights.

"Covering is a hidden assault on our civil rights," Yoshino writes in the book's preface. "We have not been able to see it as much because it has swaddled itself in the benign language of assimilation. But if we look closely, we will see that covering is the way many groups are being held back today."

Yoshino writes in an intimate voice, weaving his own experiences as a gay Asian American with a call for a re-imagining of civil rights. With a nod to the Romantics, Yoshino calls for a civil rights model based not solely on special protections for stigmatized groups, but on acceptance of individuality and desire for authenticity.

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.

Gustavo Binenbojm
Agencias Reguladoras e Democracia
(Regulatory Agencies and Democracy)

Editora Lumen Juris, 2006

This series of papers edited by Binenbojm '03 LL.M. analyzes the regulatory agencies recently instituted in Brazil, in connection with privatization reforms. Based on the American model, these agencies have institutional features that guarantee their independence, and, like their American counterparts, their existence raises a series of legal and political issues. Among the contributors are three other YLS alumni: Caio Mario da Silva Pereira Neto '02 LL.M. and '05 JSD, Luis Roberto Barroso '89 LL.M., and Mariana Mota Prado '02 LL.M. and '06 JSD.

Akhil Amar's Book
Receives ABA Award

America's Constitution: A Biography by Southmayd Professor of Law Akhil Amar '84 recently received the American Bar Association's Silver Gavel Award. Given annually since 1958, the award recognizes works that help foster public understanding of the law and legal system. *America's Constitution* (Random House, 2005) is a "biography" of America's framing document—explaining what the Constitution says, and why it says it.

Amar and former Yale Law School Dean Guido Calabresi '58 are among a handful of people who have received the award more than once.

Susan D. Carle, Editor
Lawyers' Ethics and the Pursuit of Social Justice: A Critical Reader

New York University Press, 2005

This reader, edited by Carle '88, with a foreword by Robert W. Gordon, Chancellor Kent Professor of Law and Legal History, broadens the discussion on legal ethics by first introducing the historical and theoretical background and then connecting it to real-world issues while addressing lawyers' ethical obligations to work for social justice.

Oscar G. Chase
Law, Culture, and Ritual: Disputing Systems in Cross-Cultural Context

New York University Press, 2005

Chase '63 uses interdisciplinary scholarship to examine the cultural contexts of legal institutions, and presents several case studies to demonstrate that the processes used for resolving disputes have a cultural origin and impact.

Lawrence Douglas
The Catastrophist

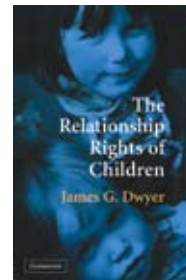
Other Press, 2006

This first novel by Douglas '89 tells the tale of one ordinary man's hilarious kamikaze mission toward self-sabotage. With sophisticated and irreverent wit, Douglas pokes holes of black humor through all the things people are supposed to take seriously: academia, art, infidelity, sexual harassment, and even atrocity.

Mary Dudziak and Leti Volpp, Editors
Legal Borderlands: Law and the Construction of American Borders

The Johns Hopkins University Press, 2006

This collection by Dudziak '84 and Volpp focuses broadly on the role of law in the construction of U.S. borders and takes up an important question raised by the global turn in American studies scholarship: once territory becomes less critical to scholarship in the discipline, what constitutes the frame of American studies?



James G. Dwyer
The Relationship Rights of Children

Cambridge University Press, 2006

This book presents the first sustained theoretical analysis of what rights children should

possess in connection with state decision-making about their personal relationships. Dwyer '87 examines the nature and normative foundation of adults' rights in connection with relationships among themselves, and then assesses the extent to which the moral principles underlying adults' rights also apply to children.



Stuart P. Green
Lying, Cheating, and Stealing: A Moral Theory of White Collar Crime

Oxford University Press, 2006

This book by Green '88 uses the tools

of moral and legal theory as a means to examine a range of specific white-collar offenses, aiming to develop and apply a methodology that will allow for meaningful distinctions between genuine white-collar criminality and merely aggressive business behavior. The book includes timely profiles of high-profile cases such as Andrew Fastow, Martha Stewart, Jeffrey Archer, Tom DeLay, and Bill Clinton.

► Books in Print



Otto J. Hetzel and Ernest B. Abbott, Editors
A Legal Guide to Homeland Security and Emergency Management for State and Local Governments
ABA Press, 2005

As co-editor of this book, Hetzel '60 provides a number of windows into homeland security and emergency management law—covering both the basic structure of the homeland security and emergency management system and presenting detailed analyses of specific areas. This book gives counsel and administrators valuable insight into how to best meet their responsibilities in this critical area.

Samuel P. King and Randall W. Roth
Broken Trust: Greed, Mismanagement & Political Manipulation at America's Largest Charitable Trust

University of Hawaii Press, 2006
In 1997, King '40 and Roth were among a small group who publicly charged Bishop Estate trustees with gross incompetence and massive trust abuse. Their book recounts the story of rigged appointments, violated trusts, cynical manipulation of the trust's beneficiaries, and the involvement of many of Hawaii's most powerful citizens.

Jonathan Knee
The Accidental Investment Banker: Inside the Decade That Transformed Wall Street

Oxford University Press, 2006
Knee '88 had a ringside seat at Goldman Sachs and Morgan Stanley during the go-go, boom-and-bust decade and into the twenty-first century. In this candid and irreverent insider's account of an industry in free fall, Knee captures an exhilarating era of fabulous deal-making in a freewheeling Internet economy—and the catastrophe that followed when the bubble burst.

Catherine A. MacKinnon
Are Women Human? And Other International Dialogues

Belknap Press, 2006
MacKinnon '77 takes on the transnational status and treatment of women worldwide. She explores international sex trafficking, including the role of sexuality in genocide, the use of rape and sexual torture for nation building, and the violence against women that goes on daily all around the world.

Michael Meltsner
The Making of a Civil Rights Lawyer

University of Virginia Press, 2006
Focused on the inside story of law reform, Meltsner '60 draws portraits of some larger-than-life figures, including Thurgood Marshall, William Kunstler, and the charismatic law professor Derrick Bell. He provides a critical analysis of early civil rights efforts to achieve social change through litigation while also providing the wider context of the personalities, policies, and tactics that continue to shape reform efforts today.

William Ian Miller
Eye for an Eye
Cambridge University Press, 2006
This book by Miller '80 is a historical and philosophical meditation on paying back and buying back, that is, on retaliation and redemption. It takes the law of the talion—eye for an eye, tooth for a tooth—seriously. The book finds that much of what we take to be justice, honor, and respect for persons requires, at its core, measuring and measuring up.



Matthew Pearl
The Poe Shadow

Random House, 2006
Following on the success of *The New York Times* bestseller *The Dante Club*, Pearl '00 again blends mystery with historical fiction. Set in 1849 Baltimore and Paris, Pearl's latest book tells the story of a young lawyer out to investigate the mysterious death of his favorite author, Edgar Allan Poe.

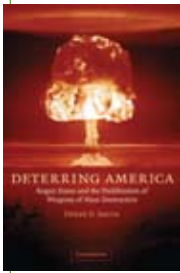


Jeffrey Rosen
The Most Democratic Branch: How the Courts Serve America

Oxford University Press, 2006
Rosen '91 argues that the Supreme Court has been neither guardian of American values nor a "principled" check on the masses. Rather, Rosen shows, the federal courts by and large have reflected the opinions of the mainstream. He calls for bipartisan judicial restraint as a way out of our current judicial impasses.

Jeffrey I. Roth
Inheriting the Crown in Jewish Law: The Struggle for Rabbinic Compensation, Tenure, and Inheritance Rights

The University of South Carolina Press, 2006
In this legal history of the rabbinic profession from biblical to modern times, Roth '74 traces the development of principles governing compensation and related benefits for rabbis, scholars, teachers, and judges under Jewish law. He draws thoughtful parallels between rabbinic tenure and university academic tenure, noting that both protect the teacher and scholar from ever-changing political winds.



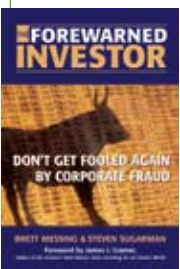
Derek D. Smith
Deterring America: Rogue States and the Proliferation of Weapons of Mass Destruction
Cambridge University Press, 2006

Faced with America's military superiority, many countries turn to weapons of mass destruction as a means to deter U.S. intervention. Smith '06 points out that September 11 awakened America to a degree of vulnerability it had never experienced before, and that the U.S. may need to reevaluate its foreign policy strategies against WMD proliferation, giving renewed attention to defensive measures, negotiated disarmament, interdiction, and perhaps preemption.

Harry I. Subin, Barry Berke,
 and Eric Tirschwell

The Practice of Federal Criminal Law: Prosecution and Defense
Thomson/West, 2006

Subin '60 and his co-authors examine the work of prosecutors and defense attorneys in applying the constitutional, statutory, ethical, and other rules that govern the federal criminal process, from investigation to the decision to charge, and through disposition by trial or plea, and sentence.



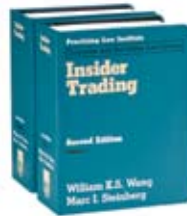
Brett S. Messing and Steven A. Sugarman
The Forewarned Investor: Don't Get Fooled Again by Corporate Fraud
Career Press, 2006

In almost every case of major corporate fraud over the last century, sharp-eyed investors could have picked out warning signs and exited before the crash, say authors Messing and Sugarman '06. This book shows investors how to identify the next Enron or WorldCom ahead of the fall.



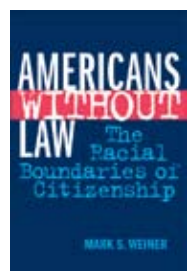
Alan Khee-Jin Tan
Vessel-Source Marine Pollution: The Law and Politics of International Regulation
Cambridge University Press, 2006

Analyzing the regulation of vessel-source pollution from the perspective of the political interests of key players in the ship transportation industry, Tan '95 LL.M., '01 JSD offers a comprehensive and convincing account of how pollution of the marine environment by ships may be better regulated and reduced.



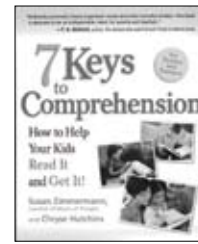
William K.S. Wang and Marc I. Steinberg
Insider Trading, Second Edition
Practicing Law Institute, 2006
 Wang '71 and

Steinberg '77 LL.M. offer a thorough treatment of stock market insider trading issues, covering the impact of insider trading on society and on investors, basic elements of insider trading liability, government enforcement, compliance programs, and other issues.



Mark S. Weiner
Americans Without Law: The Racial Boundaries of Citizenship
NYU Press, 2006

Weiner '00 argues that "juridical racialism," a public language that characterized racial minorities in terms of their inherent ability to uphold legal norms, shaped many of the court decisions that limited the civic participation of certain minority groups, and he considers its impact on political debates and U.S. Supreme Court decisions about the legal status of five minority groups over time.



Susan Zimmerman and Chryse Hutchins
7 Keys to Comprehension: How to Help Your Kids Read It and Get It!
Three Rivers Press, 2003
 Zimmerman '76 and

co-author Hutchins remove the confusion over different reading methods for children. The book demystifies reading and gives parents and teachers practical, thoughtful advice about the seven simple thinking strategies that proficient readers use to understand what they read. ∞

Also of Note

Friedrich Wenzel Bulst '03 LL.M.
Schadenersatzanspruche der Marktgegenseite im Kartellrecht (Antitrust Damages Claims by Purchasers and Suppliers: Passing-on Under German, European, and U.S. Law)
Nomos/C.H. Beck, 2006

Stephen E. Gottlieb '65, Brian H. Bix, Timothy D. Lytton '91, and Robin L. West
Jurisprudence Cases and Materials: An Introduction to the Philosophy of Law and Its Applications (Second Edition)
LexisNexis, 2006

John H. Langbein (Sterling Professor of Law), Susan J. Stabile, and Bruce A. Wolk
Pension and Employee Benefit Law, Fourth Edition
Foundation Press, 2006