

Books in Print

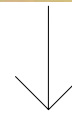
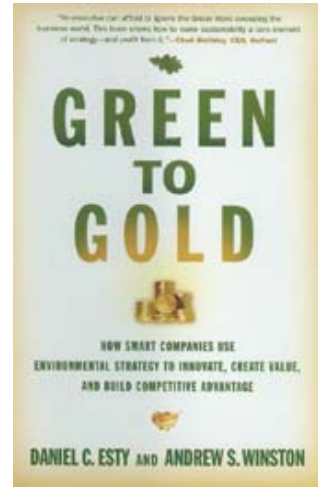
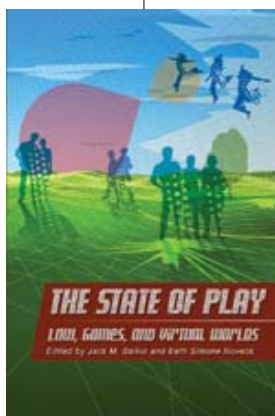
by Yale Law School Alumni, Faculty, Staff, and Students

Jack M. Balkin and Beth Simone Noveck, Editors
The State of Play: Law, Games, and Virtual Worlds
New York University Press, 2006

An estimated twenty to thirty million people worldwide now play video games on a regular basis, with the average player spending twenty-two hours each week in a virtual world. *The State of Play*, edited by Jack M. Balkin (Knight Professor of Constitutional Law and the First Amendment and Director of the Information Society Project at Yale Law School) and Beth Simone Noveck '97, considers how this booming world of avatars intersects with and impacts the legal, cultural, and economic landscape of the real world.

Balkin and Noveck's book brings together essays by legal experts, game designers, and policymakers to discuss the changing boundaries of issues such as privacy and identity, intellectual property, and freedom of speech in the virtual world. In addition to serving as the book's co-editor, Balkin contributed his own essay, titled "Law and Liberty in Virtual Worlds," to *The State of Play*.

"Virtual worlds will not remain separate jurisdictions left to themselves," Balkin writes in that essay. "The more people live in them, and the more time, money, and effort people invest in them, the more they will attract the law's attention."



Daniel C. Esty and Andrew S. Winston
Green to Gold: How Smart Companies Use Environmental Strategy to Innovate, Create Value, and Build Competitive Advantage
Yale University Press, 2006

In *Green to Gold*, co-authors Daniel Esty '86, the University's Hillhouse Professor of Environmental Law and Policy, and Andrew Winston make a case for the adage that companies can both "do good, and do well" by blending environmental and business strategy. But the book goes beyond a simple rallying cry for companies to think "green."

In their research, Esty and Winston interviewed CEOs of leading companies both in the U.S. and around the world. *Green to Gold* recounts how those companies have deployed environmental strategy with varying degrees of success, and details the discussions, the hard choices, the pay-offs, and the failures that can come with "green" strategy.

In the end, Esty and Winston write, "...an environmental lens is not just a nice strategy tool or a feel-good digression from the real work of a company. It's an essential element of business strategy in the modern world."



Paul W. Kahn

Out of Eden: Adam and Eve and the Problem of Evil

Princeton University Press, 2007

In *Out of Eden*, Paul W. Kahn '80 (Robert W. Winner Professor of Law and the Humanities and Director of the Orville H. Schell, Jr. Center for International Human Rights) argues that the human condition—rather than political and social conditions—is the locus of evil. Using the lenses of political and cultural theory, law, and philosophy, Kahn takes a hard look at modern forms of evil, namely slavery, torture, and genocide. Evil, Kahn posits, is an existential problem.

Kahn argues against political theorist Hannah Arendt's theory of the banality of evil, and points to Arendt's stance as an example of society's inability to speak about evil.

"Although we may have lost the capacity to speak of evil, the persistence of evil may be the most pressing problem faced by contemporary Western thought," Kahn writes in the book's introduction. "Modern liberalism," he adds, "would meet contemporary expressions of evil with the institutions of legality: human rights law and effective criminal prosecutions. Yet there always appears to be an incongruity between the scope of the problem of evil and this remedial response."

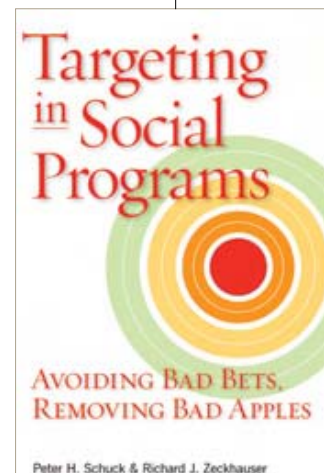
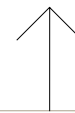
Peter H. Schuck and Richard J. Zeckhauser

Targeting in Social Programs: Avoiding Bad Bets, Removing Bad Apples

Brookings Institution Press, 2006

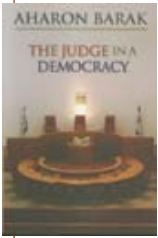
Simeon E. Baldwin Professor of Law Peter H. Schuck and leading economist Richard J. Zeckhauser take on social programming policy, arguing that poor targeting of resources undermines both the effectiveness and political support of social programs. *Targeting in Social Programs* argues for "improved target efficiency"—directing resources to those for whom they will do the most good. Schuck and Zeckhauser raise questions about the wisdom of allocating substantial resources to individuals whom they call "bad draws": people who derive little benefit from a program (designated "bad bets") and those who Schuck and Zeckhauser argue are unsuitable beneficiaries of social programs because of irresponsible, immoral, or illegal behavior patterns ("bad apples").

"We expect," the authors write in the book's introduction "that...willingness to devote resources to education, health care, low-income housing, rehabilitation of prisoners, and other social welfare programs would expand significantly if the target efficiency of such programs improved—that is, if they weeded out the chronically disruptive students, the patients getting little benefit from vast Medicaid and Medicare expenditures, the public housing and homeless shelter residents who spoil their neighbors' quality of life, and the recidivist criminals."



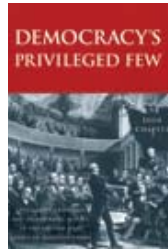
► Books in Print

Here's just a sampling of the many other 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.



Aharon Barak
The Judge in a Democracy
Princeton University Press, 2006
Justice Barak, former president of the Supreme Court of Israel and a

visiting professor at the Law School, sets forth a powerful vision of the role of the judge, arguing that this role comprises two central elements beyond dispute resolution: bridging the gap between the law and society, and protecting the constitution and democracy.



Josh Chafetz
Democracy's Privileged Few: Legislative Privilege and Democratic Norms in the British and American Constitutions

Yale University Press, 2007
Chafetz '07 compares the freedoms and protections of members of the United States Congress with those of Britain's Parliament, exploring how and why legislators in both places have been granted special privileges in five areas: jurisdictional conflicts between the courts and the legislative houses, freedom of speech, freedom from civil arrest, contested elections, and the disciplinary powers of the houses.

Tai-Heng Cheng
State Succession and Commercial Obligations

Transnational Publishers, 2006
Cheng '01 LL.M. sets out to answer the age-old question: Do commercial obligations survive state succession? He accomplishes this goal through careful analyses of efforts by the UN to codify the law of state succession, as well as of recent state successions involving other countries.

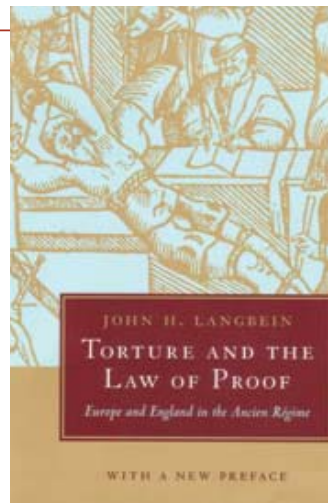


John Danforth
Faith and Politics: How the "Moral Values" Debate Divides America and How to Move Forward Together
Viking, 2006

In a polarized nation with widening rifts between left and right, conservative and liberal, how do we find common ground? Former Republican Senator and ordained Episcopal priest Danforth '63 challenges us to change the debate and to choose reconciliation instead of division.

Torture Revisited

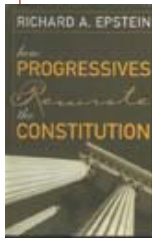
First published in 1977, *Torture and the Law of Proof* by Sterling Professor of Law and Legal History John H. Langbein was recently republished with a new preface. The book draws on historical accounts and legal records to describe the use of torture during routine criminal investigations in Europe from medieval times to the eighteenth century. In the book's new preface, Professor Langbein writes, "The European law of torture whose rise and fall is chronicled in this book was one of the worst blunders in the administration of justice in all of Western history. As recent events have shown, that history has a continuing power to instruct and caution us."



Davison M. Douglas
Jim Crow Moves North: The Battle over Northern School Segregation, 1865-1954

Cambridge University Press, 2005

In this history of various efforts to desegregate northern schools, Douglas '83 explores two themes: the role of law in accomplishing racial change, and the competing visions in the northern black community over the importance of school integration.



Richard A. Epstein
How Progressives Rewrote the Constitution

Cato Institute, 2006

Epstein '68 explores the fundamental shift in political and economic thought the Progressive Era brought

about, and argues that the Supreme Court, in the early decades of the 20th century, invoking those ideas, undermined the Constitution.



Richard A. Epstein
Overdose: How Excessive Government Regulation Stifles Pharmaceutical Innovation

Yale University Press, 2006

Epstein '68 shows readers how the ever-increasing regulatory

apparatus smothering the pharmaceutical industry threatens to crush innovation, destroy efficiency, and damage American public health.



Janet Halley
Split Decisions: How and Why to Take a Break from Feminism

Princeton University Press, 2006

Halley '88 reassesses the place of feminism in the law and politics of sexuality. She argues that sexuality involves deeply contested and clashing realities and interests, and that feminism helps us to understand only some of them.



Andrew Koppelman
Same Sex, Different States: When Same Sex Marriages Cross State Lines

Yale University Press, 2006

Must a state in which gay marriage is not legal recog-

nize such a marriage performed in another state? Koppelman '89 offers workable legal solutions to the problems that arise when gay couples cross state borders, and shows which state laws should govern in specific situations.



Jeremiah D. Lambert
Energy Companies & Corporate Reform: How Deregulation Went Wrong

PennWell Books, 2006

Lambert '59 shows how misguided regulatory poli-

cies, corporate fraud, lax accounting, and market rigging inflicted losses in the billions on consumers, investors, and market participants; and provides a blueprint for the future of energy competition in the United States.

Elli Louka
International Environmental Law: Fairness, Effectiveness, and World Order

Cambridge University Press, 2006

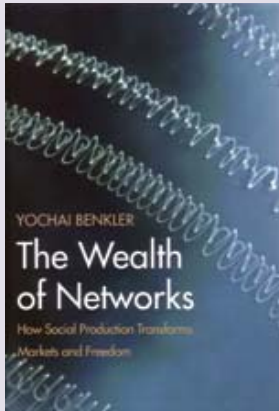
Louka '89 LLM analyzes the law and policy for management of global common resources. With a foreword by Professor W. Michael Reisman '64 LLM, '65 JSD, the book also includes analyses of areas such as marine pollution, air pollution, fisheries management, transboundary water resources, biodiversity, hazardous and radioactive waste management, state responsibility and liability.



Quote/Unquote

Edited by Associate Librarian and Lecturer in Legal Research Fred Shapiro, *The Yale Book of Quotations* (Yale University Press, 2006) brings together more than 12,000 famous quotations in a tome that was some six years in the making. While paying homage to classic quotes by the likes of Shakespeare and Socrates, the book also includes references from American popular culture, including song lyrics by rap musician Snoop Doggy Dog and quotations from software engineer Bill Gates. For those interested in the history of quotations, the *Yale Book of Quotations* offers citations and sources for quotes previously wrongly attributed. The phrase, "There's a sucker born every minute," for example, was coined not by P.T. Barnum, but by a notorious con man named "Paper Collar Joe."

Awards



Public Knowledge Presents IP₃ Award to Yochai Benkler

Public-interest advocacy and education organization Public Knowledge announced that Joseph M. Field '55 Professor of Law Yochai Benkler is a winner of its 2006 IP₃ award for his work on Information Policy.

The award is given to individuals who have advanced the public interest in one of the three areas of "IP"—Intellectual Property, Information Policy and the Internet Protocol.

Benkler was recognized for his most recent book, *The Wealth of Networks: How Social Production Transforms Markets and Freedom* (Yale University Press, 2006), which examines how decentralized production of information has brought revolutionary changes to the economy.



Ian Ayres '86 and Gregory Klass '02 Receive Scribes Book Award

Inincere Promises: The Law of Misrepresented Intent, co-authored by Professor Ian Ayres '86 and Gregory Klass '02, won the Scribes Book Award. Ayres is the William K. Townsend Professor of Law at Yale Law School. Klass is an associate professor of law at Georgetown.

Inincere Promises is the first book ever devoted to the analysis of the oft-litigated, but rarely discussed doctrine of promissory fraud.

Scribes, the American Society of Legal Writers, is a national society of judges, lawyers, law professors, legal publishers, writers, and editors dedicated to improving legal writing. The Scribes Book Award has been awarded annually since 1961 to honor the best work of legal scholarship published in the previous year.

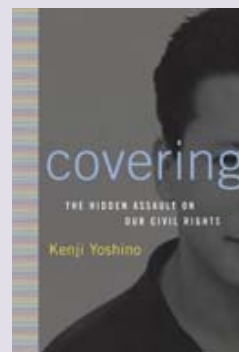


Adrian LeBlanc '93 MSL Named MacArthur Fellow

The John D. and Catherine T. MacArthur Foundation recently named Adrian LeBlanc '93 MSL a 2006 MacArthur Fellow. Commonly known as "genius awards," the MacArthur Fellowships are designed to enable recipients to exercise their own

creative instincts for the benefit of human society.

LeBlanc is a narrative journalist; her work has appeared in numerous publications, including the *New York Times Magazine*, *The New Yorker*, *Esquire*, and *The Village Voice*. She wrote her first book, *Random Family: Love, Drugs, Trouble, and Coming of Age in the Bronx* (see YLR Summer 2003, pg. 28), after spending ten years researching and interviewing a family in the Bronx.

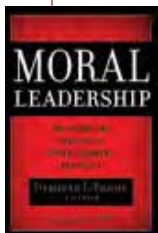


Kenji Yoshino '96 Receives 2006 Myers Outstanding Book Award

Guido Calabresi Professor of Law Kenji Yoshino '96 was recently honored by a national human rights center for his book *Covering: The Hidden Assault on Our Civil Rights*

(Random House, 2006). Yoshino's book was one of ten books to receive the 2006 Myers Outstanding Book Award from the Gustavus Myers Center for the Study of Bigotry and Human Rights. The award recognizes books that make a significant contribution to the advancement of human rights.

Part memoir, part legal manifesto, *Covering* tackles an issue often overlooked in the discussion of civil rights: the social expectation of conformity. The downplaying of stigmatized cultural, racial, religious, and gender differences, Yoshino argues, is a final frontier of civil rights.



Deborah Rhode, Editor

Moral Leadership

Jossey-Bass, 2006

Rhode '77 brings together, in one comprehensive volume, essays from leading scholars in law, psychology, political science, and ethics to provide practical, theoretical policy guidance that addresses the dynamics of moral leadership.

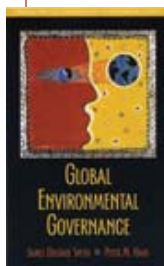


Brad Snyder

**A Well-Paid Slave:
Curt Flood's Fight for
Free Agency in
Professional Sports**

Viking, 2006

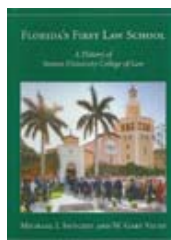
Snyder '99 offers the first extended treatment of baseball player Curt Flood and his lawsuit against Major League Baseball and examines this long-misunderstood case and its impact on professional sports. He describes the behind-the-scenes events that affected the court's decision and explains Flood's decision to sue in the context of his experiences during the civil rights movement.



James Gustave Speth
**Global Environmental
Governance**

Island Press, 2006

Speth '69 outlines shortcomings of current efforts to address climate disruption, loss of biodiversity, acid rain, ozone depletion, deforestation, desertification, degradation and shortages of freshwater, decline of marine fisheries, toxic pollutants and excess nitrogen—all of which contribute to creating dead zones in the world's oceans.

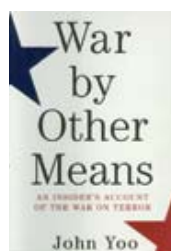


Michael I. Swygart

and W. Gary Vause
**Florida's First Law
School: A History
of Stetson University
College of Law**

*Carolina Academic Press,
2006*

Swygart '68 LL.M. and Vause tell the fascinating story of the founding, development, and growth of Florida's first law school, one that has achieved national and international recognition. The book covers the 106-year ongoing history of Stetson's law school from its strong beginnings in the early decades of the twentieth century through its midlife crises.



John Yoo

**War By Other Means:
An Insider's Account of
the War on Terror**

*Atlantic Monthly Press,
2006*

Yoo '92, a key legal architect of the Bush administration's response to 9/11, delivers a fascinating insider account of the War on Terror. While America reeled from the cataclysmic events of September 11, 2001, Yoo and the staff of the Office of Legal Counsel found themselves on the phone with the White House. He takes readers inside the corridors of power and examines specific cases, from John Walker Lindh and Jose Padilla to an American al-Qaeda leader assassinated by a CIA pilotless drone in the deserts of Yemen.

Also of Note

Xiang Feng '93

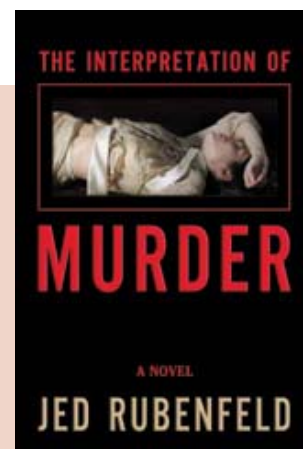
Torah or the Five Books of Moses

Oxford University Press, 2006

Susan Rose-Ackerman

**International Handbook on
the Economics of Corruption**

Edward Elgar Publishing, 2006



Jed Rubenfeld

The Interpretation of Murder

Henry Holt and Company, 2006

Inspired by a lingering historical riddle, *The Interpretation of Murder* by Deputy Dean and Robert R. Slaughter Professor of Law Jed Rubenfeld is an intricate tale of murder and the dangers lurking in the human mind. The novel opens on a sweltering August night in 1909 as Sigmund Freud arrives in New York accompanied by Carl Jung, his rival and protégé. At the same time across town, in an opulent penthouse apartment, a young woman is found murdered. After a high-society heiress is attacked the following day, Freud is called in to help find the killer. This first novel by Professor Rubenfeld blends classic crime, historical characters, and tantalizing ingredients from Shakespearean puzzles to psychological mysteries.