

## BOOKS



Guido Calabresi at a celebration of his 75th birthday in 2007.

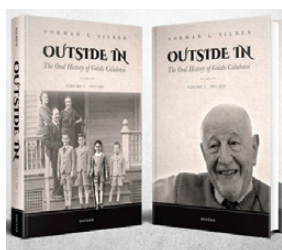
## Guido's Tales

**An oral history of Professor Guido Calabresi recounts his struggles and accomplishments, in his own words**

**For more than** six decades, Guido Calabresi '58 has been a pillar of Yale Law School. Senior Research Scholar Norman Silber's two-volume set *Outside In: The Oral History of Guido Calabresi*, recounts Calabresi's formative years and chronicles his extraordinary career as a teacher, dean, and jurist.

Calabresi is Sterling Professor Emeritus of Law at Yale Law School, which he led as Dean from 1985 until 1994, when he was appointed to the U.S. Court of Appeals for the 2nd Circuit by President Bill Clinton '73. He has authored seven books and more than 100 articles. A legendary professor who has taught three sitting U.S. Supreme Court justices and a co-founder of the field of law and economics, Calabresi ranks among the most influential legal scholars of his time.

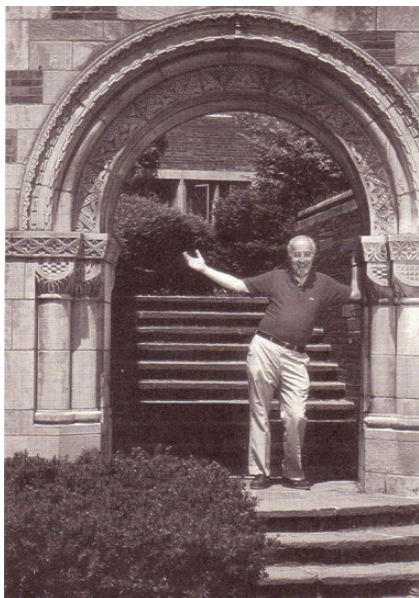
Calabresi, Silber writes, is "a man who, for much of his life of high accomplishment, has nonetheless identified himself as an outsider." Silber begins his story not with the heights that Calabresi has scaled but rather a moment of desperation: the Calabresi family's escape from fascist Italy in 1939. He traces how Calabresi's



Norman I. Silber  
**Outside In:  
The Oral History  
of Guido Calabresi**

Oxford University Press, 2023





Calabresi during his tenure as dean of Yale Law School

**“[Calabresi is] a man who, for much of his life of high accomplishment, has nonetheless identified himself as an outsider.”**

NORMAN SILBER

parents, Italian anti-fascist activists of Jewish heritage, instilled in their son a deep-seated sense of justice and moral responsibility.

*Outside In* details the antisemitism and anti-Italian prejudice that Calabresi faced upon arriving in New Haven. Silber records how the example of his parents guided Calabresi through Yale College, a Rhodes Scholarship, and Yale Law School. Subsequent parts cover Calabresi’s distinguished scholarly career, deanship of the Law School, and decades of service on the federal bench. He illuminates Calabresi’s lifelong commitment to fighting for and upholding civil rights, as well as his participation in social and legal debates that gripped the nation.

The narrative gives particular heed to Calabresi’s indelible impact on Yale Law School, the place that shaped him as a lawyer and that he in turn would shape. Calabresi joined the Law School’s faculty two years after he graduated, having in between earned a second master’s degree from Oxford and clerked for Justice Hugo Black of the U.S. Supreme Court. Calabresi, who became Yale Law School’s youngest-ever full professor in 1962, transformed the institution during his nearly 10 years as Dean. Among other pivotal changes discussed in *Outside In*, Calabresi secured the Law School’s financial independence and modernized its facilities.

Part oral history and part biography, *Outside In* is the culmination of Yale Law School’s Guido Calabresi Oral History Project, which began in 2010. At the invitation of then-Dean Robert C. Post ’77, Silber interviewed Calabresi on more than 100 occasions and spoke with dozens of his colleagues on the faculty. The transcribed and edited recollections are accompanied by Silber’s critical commentary, which adds historical and social context.

Norman Silber is Associate Dean for Intellectual Life and Professor of Law at the Maurice A. Deane School of Law at Hofstra University. His previous work includes *With All Deliberate Speed: The Life of Philip Elman, An Oral History in Mr. Elman’s Words* (University of Michigan Press, 2004) and *A Corporate Form of Freedom: The Emergence of the Modern Nonprofit Sector* (Westview Press, 2002). The Law School has previously published selections from Silber’s conversations with Calabresi: *Guido Calabresi: In His Words* (2012) and *Guido Calabresi: A Foreigner in New Haven, 1940-1945* (2016).

## Calabresi on Calabresi

**“The Law School was at the center of my life, and I loved it immediately.”**

**“I wrote my little student Note in the spring of my first year on a pretty classically law and economics subject, about the Robinson-Patman Act. This is the first law piece I published. It’s perfectly good but not particularly interesting.”**

**“I had enjoyed practice enough so that I knew that I had seen it at its best, but I still liked teaching more.”**

**“We were *not* doing an ‘economic analysis of law.’ Instead, we were looking at economics and asking what it could tell us about law, and then, if it couldn’t explain what was going on, we would go back and ask, ‘How can we change economic theory so that it can explain what laws and rules are actually doing?’”**

**“I’m very proud of the way we did COAP, because it was both crucial, and crucial in *the way we did it*. It was and is very costly, but necessary, if the school was going to be the kind of place that draws people from all over and then lets them do what they want.”**



Guido Calabresi and Norman Silber

## SURVEY OF BOOKS

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. Please contact us: [lawreport@yale.edu](mailto:lawreport@yale.edu).

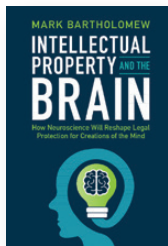


Mark C. Alexander,  
Daniel P. Tokaji, and Jennifer L.  
Mnookin, et al.

**Beyond Imagination?:  
The January 6 Insurrection**

West Academic Publishing, 2021

Alexander '92, Tokaji '94, and Mnookin '95 join 11 contributors, all of them deans of law schools, to assess the forces that precipitated the Jan. 6, 2021, insurrection. *Beyond Imagination?* documents how lawyers undermined the election, examines the insurrection's roots in white supremacy, and details the role of legal education in safeguarding American democracy.

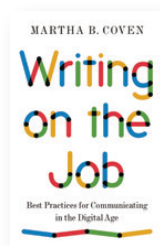


Mark Bartholomew  
**Intellectual Property and  
the Brain: How Neuroscience  
Will Reshape Legal Protection  
for Creations of the Mind**

Cambridge University Press, 2022

Bartholomew '00 discusses the insights that neuroscience has unlocked about human creativity — and argues they will bring a sea change to intellectual property law. Noting that criminal law

has expanded to incorporate neuroscientific evidence, Bartholomew examines the ways neuroscience might create fairer intellectual property doctrine. Among other examples, Bartholomew demonstrates how neuroaesthetics reframe artistic interpretation and investigates how courts might consider the “neural signatures” of particular brands.



Martha B. Coven  
**Writing on the Job:  
Best Practices  
for Communicating in  
the Digital Age**

Princeton University Press, 2022

Coven '01 distills the fundamentals of professional writing, sharing technical lessons alongside stylistic advice. Drawing upon her experience in nonprofit leadership, national politics, and teaching at Princeton University, Coven explains how to draft and polish any piece of written work. *Writing on the Job* addresses practitioners in a wide range of fields, whether they be writing slides, summarizing data, or sending memos.



James A. Geraghty  
**Inside the Orphan Drug  
Revolution: The Promise of  
Patient-Centered Biotechnology**

Cold Spring Harbor  
Laboratory Press, 2022

Geraghty '80 recounts how a coalition of patients, advocates, and business leaders spurred the life-giving development of “orphan drugs,” medications that treat rare genetic conditions. Geraghty traces how such drugs, “orphaned” because the pharmaceutical industry deemed them unprofitable, came to transform millions of patients' lives. The author gives his own recollections alongside historical background and calls on the medical community to confront seemingly impossible challenges today.



Robin Goldstein and  
Daniel Sumner  
**Can Legal Weed Win?:  
The Blunt Realities  
of Cannabis Economics**

University of California Press, 2022

A quarter century after medical marijuana dispensaries emerged in the United States, Goldstein '02 and Sumner study the landscape of cannabis legalization. The authors analyze the market forces that shape marijuana consumption nationwide and demonstrate how legalization leads to wide-ranging and even counterintuitive results. *Can Legal Weed Win?* argues that efforts to regulate legal marijuana often fall short of economic and social expectations.



Daniel Gordon  
**What Is Academic Freedom?:  
A Century of Debate,  
1915–Present**

Routledge, 2022

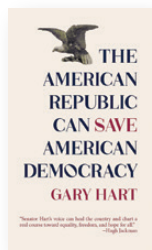
Gordon '03 MSL traces how rival conceptions of academic freedom have unfolded over the past century. Gordon offers six case studies, all of which concern political activism on college campuses. Among other events, chapters discuss the 1969 firing of Angela Davis, the emergence of Black studies and women's studies, campaigns to boycott Israel, and recent polarization. Gordon provides historical context to debates that still animate — and divide — the academic community.



James Hamilton  
**Advocate: On History's  
Front Lines from Watergate to  
the Keating Five, the Clinton  
Impeachment, and Benghazi**

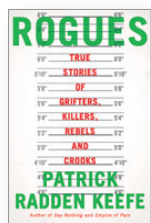
University Press of Kansas, 2022

Hamilton '63 chronicles his legal career in the nation's corridors of power. Among other experiences, *Advocate* recounts Hamilton's participation in the Watergate investigation, the Clinton impeachment, and the Supreme Court case *Swidler & Berlin v. United States*, which established that attorney-client privilege still holds after a client's death. An adviser and confidant to a bevy of Democratic leaders, Hamilton reflects upon the legal principles that shape electoral politics in the United States.



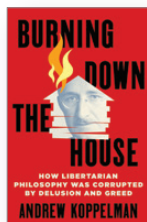
Gary Hart  
**The American Republic Can Save American Democracy**  
 Fulcrum Publishing, 2022

Former U.S. senator and presidential candidate Hart '64 argues that the future of American democracy depends upon the nation's tradition of republicanism. Noting that the United States was founded as "a republic with a democratic form of government," Hart contends that republican values can counter populist nationalism. He puts forth the concepts of popular sovereignty, a sense of common good, resistance to corruption, and civic virtue as a blueprint to guide American public life.



Patrick Radden Keefe  
**Rogues: True Stories of Grifters, Killers, Rebels, and Crooks**  
 Doubleday, 2022

*Rogues* comprises 12 pieces of longform reporting published by Keefe '05, a staff writer at *The New Yorker*. Keefe's subjects engage in illicit activity, confront the complexities of crime and deceit, raise questions of secrecy and truth, and examine the psychological force of denial. He gives personal portraits in his profile of each figure, who range from Anthony Bourdain to a Swiss bank whistleblower to a forger of vintage wines.



Andrew Koppelman  
**Burning Down the House: How Libertarian Philosophy Was Corrupted by Delusion and Greed**  
 St. Martin's Press, 2022

Koppelman '89 holds that libertarianism, conceived as a bulwark against state abuses, now threatens the fabric of American public life. Koppelman situates the strand of libertarianism dominant in national politics — most notably associated with Charles Koch — as a perversion of the ideology first devised by the economist Friedrich Hayek. While affirming that the free market brings prosperity, *Burning Down the House* argues that social progress requires supervision by state institutions.



Touraj Parang  
**Exit Path: How to Win the Startup End Game**  
 McGraw Hill, 2022

Parang '99 posits that having an exit strategy is the factor that decides whether a startup will succeed or fail. Parang recounts how his own startup foundered in the absence of an exit strategy, which he formulates as a sequential process. Parang encourages fellow entrepreneurs to embrace, rather than avoid, the end goal of being acquired. *Exit Path* details how startups can navigate the challenges of seeking acquisition and craft plans to meet their needs.

## SPOTLIGHT



## The Shape of Cities

How zoning policies perpetuate segregation

**Robert C. Ellickson '66**, the Walter E. Meyer Professor Emeritus of Property and Urban Law, credits one of his Yale Law School students for the idea behind his book, *America's Frozen Neighborhoods: The Abuse of Zoning*. In a one-time seminar that Ellickson offered in 2016, Lynsey Gaudio '17 used big data to examine New Haven's patterns of exclusionary zoning. Her work inspired Ellickson to apply the same methodology to zoning policies nationwide.

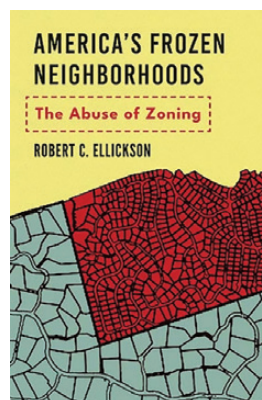
*America's Frozen Neighborhoods* takes as its subject 41 localities, spread across three urban areas: Austin, Texas; Silicon Valley, California; and New Haven, Connecticut. Ellickson creates data sets to capture the effect of zoning policies on each area. He uncovers a stark picture of legalized segregation, which separates communities along lines of race and class.

The findings, Ellickson argues, reveal zoning to be "the most consequential regulatory program in the United States." Building upon his decades of scholarship in housing and property law, Ellickson outlines the sweeping reforms that policymakers must enact if the country's neighborhoods are to be accessible and affordable to marginalized populations. He urges state legislatures to hold local municipalities to account. "Just as markets can fail," he writes, "so can governments at every level."

Much of the data assessed by Ellickson is new. He devises a unique series of metrics to compare exclusionary zoning between New Haven, Silicon Valley, and Austin. Among other factors, he considers whether a locality requires large

lot sizes, permits single-family housing on small lots, and allows multifamily housing. These indices illuminate the particularities of each area, while also bringing into focus the dynamics that have propelled exclusionary zoning into the 21st century.

A longtime resident of New Haven and formerly of Palo Alto, Ellickson combines data analysis with knowledge of the communities he describes. Ellickson traces how zoning came to predominate across the United States, including its early adoption by Greenwich, Connecticut, in 1926. He resists easy answers, probing why urban communities cling to the status quo, even in the face of legal and moral objections.



Robert C. Ellickson  
**America's Frozen Neighborhoods: The Abuse of Zoning**  
 Yale University Press, 2022

## How Ideology Shaped Early Modern China

The Qing Dynasty's lasting impact



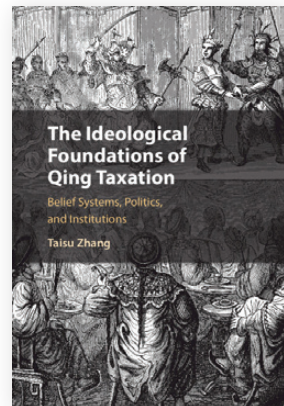
In his book *The Ideological Foundations of Qing Taxation: Belief Systems, Politics, and Institutions*, Professor of Law Taisu Zhang '08 addresses “perhaps the central question in modern Chinese history”: Why did China enter the 20th century weaker than Japan and Europe? Zhang's book, the second volume of a planned trilogy, argues that the beliefs held by policymakers played a critical role.

When trying to understand China's divergence from other early modern states, scholars focus on China's last imperial dynasty, the Qing, which held power from 1644 to 1912. Zhang traces how a philosophy that paired Confucian ethics with realist concerns shaped 268 years of Qing taxation policy — and left China without the military or financial means that would propel its counterparts to dominance.

*The Ideological Foundations of Qing Taxation* recognizes that long-standing — and, frequently, Eurocentric — narra-

tives about Chinese history have overemphasized this concept, chalking up China's “weakness” to the Qing dynasty's supposedly rigid doctrines. Rather than depict early modern China with broad brushstrokes, Zhang unearths the “political and intellectual idiosyncrasies” that characterized Qing rule. He situates ideology as one historical force that interacted with others, including class structure and market volatility.

Zhang uses the example of agricultural taxation to illustrate how ideology drove Qing policymaking. Relative to previous Chinese dynasties and other early modern states,



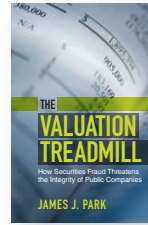
Taisu Zhang  
**The Ideological Foundations of Qing Taxation: Belief Systems, Politics, and Institutions**

Cambridge University Press, 2023

the Qing dynasty levied few taxes on agrarian production, the bulk of its economic activity.

The book raises profound questions about the interplay of ideology, culture, and law. Engaging with previous scholarship, Zhang notes that ideology is both empirical and normative — “how” someone implements an ideology may differ from “what” that ideology entails. By describing the Qing taxation system as ideological in nature, Zhang does not pass judgment on whether his subjects were “right” or “wrong.” Rather, his work examines how doctrine molds legal history, particularly as it pertains to China's emergence into the modern era.

## SURVEY OF BOOKS

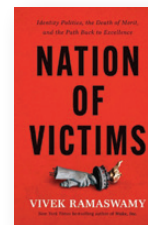


James J. Park

**The Valuation Treadmill: How Securities Fraud Threatens the Integrity of Public Companies**

Cambridge University Press, 2022

Park '00 argues that investor valuation, which heavily weighs how public companies are expected to perform in the future, creates incentives to commit securities fraud. Citing regulatory enforcement against Apple, Enron, Citigroup, General Electric, Penn Central, and Xerox, Park charts how the so-called “valuation treadmill” tempts corporations to mislead investors. Park calls on regulators to disrupt the cycle that pressures companies to release strong disclosures every quarter.

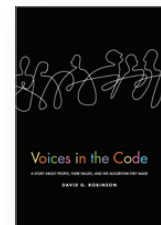


Vivek Ramaswamy

**Nation of Victims: Identity Politics, the Death of Merit, and the Path Back to Excellence**

Center Street, 2022

Ramaswamy '13 claims that the recent phenomenon of “victimhood culture” endangers the U.S. ideal of excellence. *Nation of Victims* contends that both the political left and right have portrayed themselves as unfairly disadvantaged, undermining electoral democracy and corroding the cultural touchstones that make American identity distinctive.



David G. Robinson

**Voices in the Code: A Story about People, Their Values, and the Algorithm They Made**

Russell Sage Foundation, 2022

As algorithms increasingly govern life-and-death decisions, Robinson '12 examines the decades-long effort to equitably determine who can receive a kidney transplant. Robinson credits a range of stakeholders for striving to hold the algorithm accountable. Robinson documents how individuals have challenged the computation's racist, classist, and ageist biases.



Andrew Sepielli

**Pragmatist Quietism: A Meta-Ethical System**

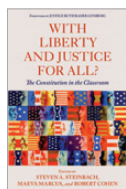
Oxford University Press, 2022

Sepielli '04 circumvents long-standing debates about whether objective ethical truths can be “proven.” Arguments for the existence of such truths, Sepielli explains, have often relied on external branches of philosophy, such as metaphysics or semantics. To demonstrate how objective ethical truths can be found, Sepielli adopts a quietist lens, which asks ethical questions of only fundamental significance, and proposes a pragmatist framework, which weighs value over other considerations.



John Shattuck, Sushma Raman, Mathias Risse  
**Holding Together:  
 The Hijacking of Rights in  
 America and How to  
 Reclaim Them for Everyone**  
*The New Press, 2022*

Shattuck '70, Raman, and Risse trace how the struggle to advance civil and political rights gives the American project moral meaning — and take stock of the forces that threaten hard-fought gains. The authors survey the state of rights today, covering principles such as due process, free speech, and privacy, particularly as they relate to marginalized communities. *Holding Together* lays out how the country can restore rights and uphold the responsibilities they confer.



Steven A. Steinbach, Maeva Marcus, and Robert Cohen, eds.  
**With Liberty and Justice  
 for All?: The Constitution in  
 the Classroom**  
*Oxford University Press, 2022*

Steinbach '81, Marcus, and Cohen urge students and teachers to wrestle with the constitutional questions that animate U.S. history. The volume's eight chapters examine the Constitution's "use and misuse" at watershed moments, interweaving analysis by historians with primary sources. Rather than adopting any one view, *With Liberty and Justice for All?* shows the Constitution to be contested. Contributors include Linda Greenhouse '78 MSL, Melissa Murray '02, and Julie Suk '03.

### ALSO OF NOTE

Russell Buchan and  
 Asaf Lubin '15 LLM, '20 JSD, eds.  
**The Rights to Privacy and  
 Data Protection in  
 Times of Armed Conflict**  
*NATO Cooperative Cyber Defence  
 Centre of Excellence, 2022*

James A. Henderson Jr. and  
 Douglas A. Kysar  
**The Torts Process, 10th Edition**  
*Aspen Publishing, 2022*

Vincent R. Johnson '79 LLM  
**Mastering Torts:  
 A Student's Guide to  
 the Law of Torts, 7th Edition**  
*Carolina Academic Press, 2022*

Vincent R. Johnson '79 LLM  
 and Chenglin Liu  
**Studies in American  
 Tort Law, 7th Edition**  
*Carolina Academic Press, 2022*

Dan Kornstein '73  
**Uncle Sam Wanted Me:  
 Ripened Reflections of  
 a Lucky Vietnam Era Draftee**  
*AuthorHouse, 2022*

Dominik Meier '20 LLM  
**Täuschung und Manipulation  
 im Privatrecht (in German)**  
*Mohr Siebeck, 2022*

Michael Meltsner '60  
**Mosaic:  
 Who Paid for the Bullet?**  
*Quid Pro Books, 2022*

Parviz Saney '60 LLM, '63 JSD  
**The American Criminal  
 "Justice System":  
 Urgent Call for an Overhaul**  
*Self-published, 2020*

Allan Topol '65  
**The Chinese Agent**  
*Self-published, 2022*

Johan Verbeke '78 LLM  
**Diplomacy in Practice:  
 A Critical Approach**  
*Routledge, 2022*

## New Paradigms in Legal Thought

Views from academics and  
 public servants on law, justice,  
 and political economy

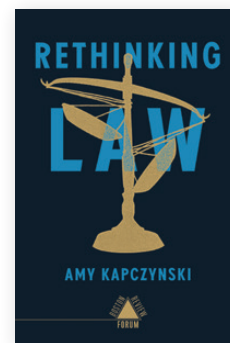
*Rethinking Law*, the spring 2022 volume published by the *Boston Review*, collects prominent thinkers exploring new paradigms in legal thought that ask how to better confront and undo the law's complicity with injustice. It addresses themes of law and political economy across a range of topics including constitutional law, antitrust law, labor law, and human rights law. Edited by Amy Kapczynski '03, Professor of Law and Faculty Director of the Global Health Justice Partnership at Yale Law School, *Rethinking Law* includes the work of 18 contributors, including a dozen Yale Law School alumni, in academia and public service.

The forum begins with "Make Progressive Politics Constitutional Again," an essay by Joseph Fishkin '07 and William E. Forbath '83. Fishkin and Forbath urge progressive communities to revitalize and reimagine the U.S. tradition that seeks a "democracy of opportunity." By affirming the inextricable relationship between the judiciary and politics, they call for the public to hold constitutional law accountable to justice.

Contributors engage with Fishkin and Forbath's work in a range of responses and essays. In "Up from Originalism," Andrea Scoseria Katz '16 traces the historical construction of legal philosophies taken for granted today. Aziz Rana '06 examines why the pursuit of domestic prosperity has so often coincided with U.S. imperial expansion in "The Imperial Roots of the Democracy of Opportunity."

Other contributions include "Not Only Looking Backward" by Mark Tushnet '71, "Beyond Neoclassical Antitrust" by Sanjukta Paul '03, and "The Hard Questions" by Kate Andrias '04. Fishkin and Forbath pen their own response to reflect on the nuances each contributor brings to the argument.

The volume's second half comprises essays that explore the relationship between law, social change, and justice. Kapczynski joins David Singh Grewal '02 and Jedediah Britton-Purdy '01 as a co-author of "How Law Made Neoliberalism." In "What Makes Laws Unjust?," Randall Kennedy '82 engages with Martin Luther King Jr.'s moral interpretation of law in "Letter from Birmingham Jail." Zachary Manfredi '17 closes the volume with "Rethinking Human Rights."



Amy Kapczynski, ed.  
**Rethinking Law**  
*Boston Review, 2022*

