

What Are You Reading – 2009

Douglas Baird, Harry A. Bigelow Distinguished Service Professor of Law: I just finished David Wessel's *In Fed We Trust*, a *Wall Street Journal* reporter's close and balanced look at how the Federal Reserve responded to the financial meltdown last year. Short and easy to read, about 75% is familiar to those who followed the crisis somewhat closely, but about 25% is new.

Omri Ben-Shahar, Frank and Bernice J. Greenberg Professor of Law: Paul Auster is my favorite writer. I recently read his latest novel, *Man in the Dark*, which is more surrealistic than his other books, and I am not sure yet how that sits with me. I recommend it to Auster fans, but if you haven't yet read any of his books, I would start with others: *Book of Illusions*, *Music of Chance*, or, my favorite (if you can use that adjective for a book about loneliness and despair), *Moon Palace*. It's impossible to summarize because Auster's brilliance is in weaving and looping together bits of stories, some without endings, some coincidental, often developing in random directions. The blurring of story-telling forms creates both arbitrariness and a very distinct Austerian atmosphere, which I find dazzling.

Anu Bradford, Assistant Professor of Law: I recommend a novel by Andrei Makine called *Le testament français*, which is translated in English as *Dreams of My Russian Summers*. To me, it is the most poetic, original and beautifully written book about a search for an identity and a life between two cultures. It is a special book for me given my own attempt to embrace an American life yet retain all that is Finnish in me. Still, I trust that Makine's delicate yet powerful story will captivate everyone.

Mary Anne Case, Arnold I. Shure Professor of Law: Margot Canaday's *The Straight State: Sexuality and Citizenship in Twentieth Century America*.

Kenneth Dam, Max Pam Professor Emeritus of American & Foreign Law and Senior Lecturer: Gillian Tett, *Fool's Gold: How the Bold Dream of a Small Tribe at J. P. Morgan Was Corrupted by Wall Street Greed and Unleashed a Catastrophe* (Free Press 2009). This is a "name names" account of how Wall Street went exuberantly overboard and brought on the subprime crisis and the credit crunch. Since I am interested in finance and was interviewed in a particularly penetrating way by Tett when I was in the U.S. Treasury and she was then in Tokyo covering the Japanese nonperforming loans crisis in the 2001-2003 period, I try to read everything she writes. And she writes a lot in the *Financial Times* on financial public policy issues. The book, however, is not a collection of her *FT* columns, but rather a documented history of exactly how Wall Street went astray.

Rosalind Dixon, Assistant Professor of Law: I am currently reading and would highly recommend the 2009 Pulitzer Prize Winner, *Olive Kitteridge* by Elizabeth Strout - a truly engrossing, beautifully written piece of fiction, which is divided into a dozen or so interconnected short stories, and thus perfect for the busy person, who forgets what was happening when they last picked up their novel..... I also just finished *Youth*, by JM Coetzee, which is the

middle novel in the semi-autobiographical trilogy, which has now culminated in the recent release of *Summertime* (shortlisted for the 2009 Mann-Booker prize). The book is far from perfect (certainly the narrator is not), but for me it brings together so much of what is familiar – scenes from Cape Town where I was born, from London, and the parts of it I know so well. I also feel a special interest in the attempt by Coetzee explore pre- and post-apartheid white South African identity, given my work on South African Constitutional law, and a special geographic connection with him – even beyond the pages of the book –given that he later went on to live both in Chicago and Australia (my other home).

Frank Easterbrook, Senior Lecturer in Law: The bookstores and blogs are full of junk science, much of it predicting doom. So I enjoyed reading *Death from the Skies!* by a real scientist (Philip Plait), who also runs the Bad Astronomy blog <<http://blogs.discovermagazine.com/badastronomy/>> that mixes science news with exposing scientific bunkum. Plait evaluates the doomsayers' predictions and assesses their likelihoods. He provides a convenient table of giant stars in the celestial neighborhood, just in case worries about supernovas and gamma ray bursts have kept you awake at night. A well-written book about science is always a good break from the law reports.

Tom Ginsburg, Professor of Law: I'm reading Lee Fennell's *The Unbounded Home: Property Values Beyond Property Lines*, which is a brilliant synthesis of much of her work rethinking core concepts of property law. I just started Steve Bogira's *Courtroom 302*, a fascinating inside view of the Cook County criminal courts. It's important for all of us to understand how law works on the ground, right here in our city.

Bernard Harcourt, Julius Kreeger Professor of Law & Criminology: I've just finished reading three books that offer remarkable and fascinating perspectives on contemporary punishment practices and criminal justice issues. The first is Loïc Wacquant's new book, *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Wacquant's book is a wide-ranging treatment of our contemporary punishment practices that relocates the entire field within the broader historical and political context of the twentieth century ascendance of neoliberalism and the transformation and gradual evisceration of the welfare state. After reading his book, it seems no longer possible to think about the punishment field without addressing what Pierre Bourdieu famously referred to as "the Left hand of the state" or what Wacquant so eloquently describes as "the invisible hand of the deregulated labor market." The second book is Jonathan Metzl's remarkable *The Protest Psychosis: How Schizophrenia Became a Black Disease*, which is coming out at Beacon Press. Metzl brilliantly traces the racialized process by which the prison ultimately replaced the mental hospital. He digs through these rich archives at the Ionia State Hospital in Michigan and excavates how it is exactly that schizophrenia was transformed from an illness of docile white women to a disorder of black male belligerence. It is really fascinating. The third book is Katherine Beckett and Steve Herbert's new book, *Banished: The New Social Control in Urban America*, coming out at Oxford. Their book critically engages the renaissance of archaic forms of exclusion in contemporary society and brilliantly demonstrate

how this new arsenal of refurbished legal tools—off-limit orders, anti-loitering ordinances, park exclusion orders, civil gang injunctions, public housing trespass programs, SODAs, SOAPs, and ASBOs—increasingly delimit zones of exclusion from which so many of our fellow citizens are banished. Like a phoenix rising from the ashes, the practices of banishment have returned! This one too is well worth the read.

Todd Henderson, Assistant Professor of Law: This summer I read *Born to Rebel*, a study of birth order in history and science by MIT scholar Frank Sulloway, because Saul Levmore told me (and anyone who would listen) that it is his favorite book. At the risk of sounding like a sycophant, I loved it too. It changed the way I look at the world, how I interact with my children, and what I think about myself. I also just finished *Nature's Metropolis*, by William Cronon. David Weisbach recommended this book to me as a good way of understanding why Chicago is what it is. It is a fascinating account of our wonderful city and why it and not St. Louis became the great city of middle America.

Mark Heyrman, Clinical Professor of Law: I just read *The Arc of Justice*. This is an account of the events leading up to and following the decision of Ossian Sweet, MD, an African-American physician, to move his family into an all-White neighborhood in Detroit in 1925. Because there had been other recent incidents in Detroit, Chicago (and elsewhere in large northern cities) in which African Americans had been forcibly driven from their homes in white neighborhoods and even had those homes burned to the ground, Dr. Sweet convinced nine friends to spend the night with him and his wife in order to help protect them and their home. On the second night after he moved in, a large and angry crowd of white people gathered outside his house and began throwing stones at the house. One of Dr. Sweet's friends fired into the crowd killing one person and injuring another. Dr. Sweet, his wife, and the nine friends who were in his house were all arrested and charged with murder. The case became an important cause for the NAACP, which raised funds and hired Clarence Darrow and other lawyers to represent the eleven defendants. The book gives a wonderful background on race relations in both the North and the South in the period leading up to the trial and a compelling account of the trial. Darrow's trial work was, as always, compelling and controversial. The book, published in 2005, has won several awards and been widely praised.

Aziz Huq, Assistant Professor of Law: New novels lauded as classics are a dime a dozen. Few will survive the decade. My untutored predication is that of the recent crop of novel "classics" only Roberto Bolaño's *The Savage Detectives* will still be read a century from now. *The Savage Detectives* defies summary or classification. Bolaño's novel might be read an attempt to answer the famous "other minds" problem, a categorical rejection not only of traditional notions of plot and characterization but also of all rational choice models of human behavior, or an ethical celebration of failure, disaster, and obscurity. I suspect other readers have their own quite different capsule summaries, though; such is the richness of the book.

Dennis Hutchinson, Senior Lecturer in Law: I have just started Nicholson Baker's new book, *The Anthologist*, the closely observed story of a middle-aged poet struggling with a failed relationship, a stalled but modestly successful career, and crippling writer's block as he prepares the introduction to a new anthology of poetry. Baker is famous for novellas that explore the imagination of people in snapshot moments—riding an escalator or engaging in a risqué telephone conversation, and his new book is, again, more observation and pronouncement than narrative. The atmosphere may be melancholy, but the ideas flow energetically as the protagonist, Paul Chowder, tries to find his voice and to understand why his penchant for rules, straight lines, and pure rhyme don't seem to be enough.

In the waning weeks of Abraham Lincoln's bicentennial year, I am still being asked (because I teach a course every winter on Lincoln) what one book to read on the 16th President. Those who want facts can go to David Herbert Donald's *Lincoln* (1995) and those who want anecdotes can go to Doris Kearns Goodwin's over-exposed *Team of Rivals* (2005), but the most discerning portrait of Lincoln as statesman is still *Lincoln* by Lord Charnwood (Godfrey Rathbone Benson), published in 1917, still widely available. Charnwood is deft at close readings of Lincoln's works, always within a shrewdly appreciated political and historical context. And he can be deliciously acute about the character of those around Lincoln: "Salmon P. Chase must have really been a good man before he fell in love with his own goodness. . . . Those who read Lincoln's important letters and speeches see in him at once a great gentleman; there were but a few among the really well educated men of America who made much of his lacking some of the minor points of gentility to which most of them were born; but of those few Chase betrayed himself at once."

For those who want to re-think the meaning of the Civil War beyond the Lincoln period, I enthusiastically recommend David Blight's *Race and Reunion: The Civil War in American Memory* (2001), which shows how succeeding generations re-cast the War for their own social and political purposes, so that by 1915, the memory of the war was "a quarrel forgotten," a cause for reconciliation but not celebration of emancipation.

Joseph Isenbergh, Harold J. and Marion F. Green Professor of Law: Rather than suggest a single book, I propose a reading device. Last Winter I bought a Kindle and now I do most of my non-academic reading on it. At present about 50 books inhabit my Kindle and I have read at least some part of all of them. I have always read this way – I call it grazing (rather than browsing) because eventually I read nearly every word of most of the books I start – and Kindle plays perfectly to this style. I am currently furthest along in *A Student's Guide to Maxwell's Equations* and Dumas's *The Three Musketeers* (available as a free download from Amazon.com). Both are riveting to me, but not necessarily recommendable. A Kindle is a whole new library, and more: a new way of life.

Alison LaCroix, Assistant Professor of Law: My book is *The Whereabouts of Eneas McNulty* by Sebastian Barry: a tale of the entire sweep of twentieth-century Irish history (Easter Rising,

civil war, the Troubles) from the perspective of one conscientious man from Sligo, told in lyrical language by an author twice shortlisted for the Booker Prize.

Saul Levmore, William B. Graham Professor of Law I just finished listening to Anthony Trollope's *Sir Harry Hotspur of Humblethwaite* and also *Dr. Wortle's School*; I am almost ready to join some eccentric Trollope Society. One is about heirship and marriage and the other about morality and bigamy, but of course both are about human nature and England of 150 years ago. I have also been reading the personal reports of young people in Teach for America, as well as in the Peace Corps, in preparation for a Greenberg Seminar. I recommend George Packer's *The Village of Waiting* (his experience in Togo) and the remarkable *Ponds of Kalambayi* by Mike Tidwell, one of the very few books I have ever re-read.

Jonathan Masur, Assistant Professor of Law: I just finished reading *The Rest Is Noise: Listening to the Twentieth Century*, by Alex Ross. The book traces the development of 20th-Century classical music from the late Romanticism of Strauss to the minimalism of Phillip Glass and even more modern movements such as electronica. Ross does a masterful job of describing how musical ideas are influenced and informed by one another, and he accomplishes this in part through interesting and clever portrayals of the moments at which composers met or heard each others' music. Ross also manages to connect the development of 20th-Century music with important political and social movements, including the rise of Communism and Nazism and the arc of the Cold War. As Ross explains, the history of 20th-Century music is in some sense a history of the 20th Century itself.

Richard McAdams, Bernard D. Meltzer Professor of Law: I have recently been reading books related to Chicago. Here are three. Aleksandar Hemon, *The Lazarus Project* (2008) is a brilliantly written novel with two intertwined stories: the actual 1908 shooting of Lazarus Averbuch at the home of the Chicago police chief and a contemporary immigrant writer who becomes obsessed with Averbuch's life. Scott Simon's *Windy City: A Political Novel* (2008) is a witty comic novel about Chicago politics, with a sly and honorable protagonist, the alderman and vice-mayor Sunny Roopini, who must preside over the selection of an interim mayor. For my Greenberg Seminar on "Crime in the City of Big Shoulders," I have just started and am enjoying Karen Abbott's *Sin in the Second City: Madams, Ministers, Playboys, and the Battle for America's Soul* (2007), an account of vice crime in Chicago at the beginning of the 20th century.

Martha Nussbaum, Ernst Freund Distinguished Service Professor of Law and Ethics: Alison LaCroix and I are teaching a Greenberg Seminar on "Gender, Law, and the British Novel," which will also be the topic of a conference planned for May. In the process I've been rereading some classics of the 18th and 19th century. Right now, I'm rereading Samuel Richardson's *Clarissa*. People sometimes avoid this book because of its length (about 3000 pages in very small print!). It is, however, thoroughly compelling, and, astonishingly, as relevant to debates about gender and violence as it was in 1748, when it was written. Although, unlike quite a few works of the period, it is not written by a female author, Richardson was famous for

inviting the participation of his female friends in the revisions of the work, and it shows: the psychology is profoundly insightful, and the tragic plot compelling. The novel is written entirely in the form of letters, and one is led with fascination from one to the next. Clarissa Harlowe, unlike many women of her class, has an independent fortune. But, living with her family, and being unable without scandal to live on her own, she lacks the independence that this fortune ought to have produced. Her family wants her to marry a man who will help them financially, a man who is repugnant to her. She refuses, and they exert tremendous pressure. Meanwhile, she is in love with the "rake" Lovelace, and she eventually agrees to run away with him. The relationship between these two complex figures is the core of the novel. Lovelace really respects and in a way loves Clarissa, but his self-image as a daring man of fashion makes it impossible for him to treat her honestly, especially once she is in his power. She desires him, and her desires, regarded by her as unacceptable, lead her to delude herself about his honesty and good intentions. Eventually, he rapes her, and she cannot survive the shame and scandal: even recourse to the law is thought by her to be too shaming. These issues have not disappeared: many men still do think it is part of being a "real man" to treat a woman as an object, and many women do feel such shame about sexual violence that they are unwilling to prosecute. At first one might think, "Surely this tragedy could not happen today." By the end of the novel, one understands more deeply the persistence of deformed attitudes about gender and sexuality, and one may be in a better position to reflect about what social and legal developments would be required to change them.

Eric Posner, Kirkland and Ellis Professor of Law: I'm reading *1688: The First Modern Revolution* by Steve Pincus. The conventional wisdom is that the Glorious Revolution of 1688 wasn't really a revolution but a kind of coup d'état that preserved England's form of government and ancient liberties from James II's effort to create an absolute monarchy. Pincus argues that the Glorious Revolution was a revolution. It involved a political and social upheaval that resulted in a modern state different from the one envisioned by James II but also quite different from the pre-modern system that it replaced.

Gerry Rosenberg, Associate Professor of Political Science and Lecturer in Law: Over the summer I read a moving and inspirational book. It's Tracy Kidder, *Mountains Beyond Mountains: The Quest of Dr. Paul Farmer*. It tells the story of the founding of Partners in Health, a group that brings medical services to the poorest of the poor in places like Haiti, Peru, Siberia, Rwanda and the Roxbury neighborhood of Boston. Both of its founders, Paul Farmer and Jim Kim, were awarded MacArthur Genius Awards and Dr. Kim was inaugurated this week as the President of Dartmouth College. The book offers a fascinating insight into what it takes to bring about change, including the personal toll it extracts.

Adam Samaha, Professor of Law and Herbert and Marjorie Fried Teaching Scholar: Vicki Iovine, *The Girlfriend's Guide to Pregnancy* (1997) – annoying yet very helpful. Elizabeth Kolbert, *Field Notes from a Catastrophe: A Frontline Report on Climate Change* (2006) – it's all over but the crying. Cormac McCarthy, *The Road* (2006) – for those who like gray and dislike

quotation marks. Richard Wright, *Native Son* (1940) – the classic, with hideous crimes and high theory in Hyde Park. Dave Eggers, *Zeitoun* (2009) – a Muslim man and his family try to survive Katrina. Daniel H. Wilson, *How to Survive a Robot Uprising* (2005) – among AbeBooks.com’s top 10 weirdest.

Geoffrey Stone, Edward H. Levi Distinguished Service Professor: I just read and highly recommend Melvin Urofsky’s *Louis Brandeis: A Life*. This comprehensive and highly readable biography covers everything from Brandeis’s youth in Louisville to his remarkable career as “The People’s Lawyer,” from his lifelong devotion to the Zionist cause to the bitter controversy over his confirmation as the first Jew ever appointed to the United States Supreme Court, from the many fierce battles he fought within the Court during his more than two decades of service to his countless extrajudicial activities. What struck me most in reading this work is how much we today need – and sorely lack – a Supreme Court Justice like Louis Brandeis.