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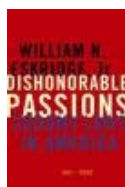
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## Featured Acquisitions - Special Edition Spring 2010 Sibley Lecture

The Law Library presents this special edition of a selective Featured Acquisitions list featuring the works of Sibley lecturer William Eskridge, Jr..

"Noah's Curse and Paul's Admonition: Civil Rights, Religious Liberty, Gay Equality" will be the topic of Georgia Law's 106th Sibley Lecture, delivered by Yale Law School Garver Professor of Jurisprudence William Eskridge Jr. His presentation will take place March 18 at 3:30 p.m.

Dishonorable Passions: Sodomy Law in America, 1861-2003, New York : Viking, 2008  
KF9328.S6 E84 2008 Balcony



A fascinating one-of-a-kind history of the government's regulation of sexual behavior. From the Pentagon to the wedding chapel, there are few issues more controversial today than gay rights. As William Eskridge persuasively demonstrates in *Dishonorable Passions*, there is nothing new about this political and legal obsession. The American colonies and the early states prohibited sodomy as the "crime against nature," but rarely punished such conduct if it took place behind closed doors. By the twentieth century, America's emerging regulatory state targeted "degenerates" and (later) "homosexuals." The witch hunts of the McCarthy era caught very few Communists but ruined the lives of thousands of homosexuals. The nation's sexual revolution of the 1960s fueled a social movement of people seeking repeal of sodomy laws, but it was not until the Supreme Court's decision in *Lawrence v. Texas* (2003) that private sex between consenting adults was decriminalized. With dramatic stories of both the hunted (Walt Whitman and Margaret Mead) and the hunters (Earl Warren and J. Edgar Hoover), *Dishonorable Passions* reveals how American sodomy laws affected the lives of both homosexual and heterosexual Americans. Certain to provoke heated debate, *Dishonorable Passions* is a must-read for anyone interested in the history of sexuality and its regulation in the United States.



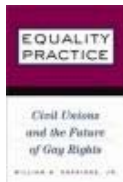
Gay Marriage: For Better or for Worse? : What We've Learned from the Evidence, (with Darren R. Spedale) Oxford [England] ; New York : Oxford University Press, 2006  
K 699 .E85 2006 Balcony

Opponents of same-sex marriage in the United States often claim that allowing gays and lesbians to marry will lead to the downfall of the institution of marriage and will harm children. Drawing from 16 years of data and experience with same-sex unions in Scandinavia, *Gay Marriage: For Better or for Worse?* is the first book to present empirical evidence about the results of same-sex marriage (in the form of registered partnerships) from the Nordic countries. Spedale and Eskridge demonstrate that conservative defense-of-marriage arguments that predict negative effects from gay marriage are invalid, and the Scandinavian experience suggests that the institution of marriage may indeed benefit from the enactment of gay marriage. If we look at the proof from abroad, the authors argue, we must conclude that the sanctioning of gay marriage in the United States would neither undermine marriage as an institution, nor harm the wellbeing of our nation's children.

Sexuality, Gender, and the Law, (with Nan D. Hunter) New York: Foundation Press, 2004  
KF9325.A7 E84 2004 Balcony

Eskridge (law, Georgetown U.) and Hunter (law, Brooklyn School) believe that gender and sexuality will be the future "crucible" on which equal protection doctrine will be forged, providing a lively, scholarly presentation of pertinent legal documents across a broad range of politically charged legal debates. The reference text considers constitutional, historical and theoretical groundings (heavy on the

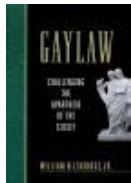
Foucault) and specific legal conundrums such as whether to publish rape victims' names, the outing of gays and lesbians, issues of family law, sexual harassment, prostitution, obscenity, and transsexual rights. Includes six appendices documenting statutes, ordinances, and provisions to the Constitution, and laws in Wisconsin, Texas, and California.



Equality Practice: Civil Unions and the Future of Gay Rights, New York : Routledge, 2002  
HQ76.3.U5 E85 2002 Basement

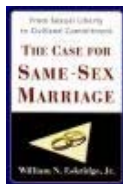
In April of 2000, Vermont legalized civil unions for same-sex couples, a landmark for gay rights. But would this consign couples to a "separate but equal" status that would ultimately prove unequal? No, argues Equality Practice, showing why lesbians and gays should support compromises like Vermont's law without giving up on full formal equality. Equality in practice will not only deliver the legal rights and duties same-sex couples need -- tax benefits, health insurance, property rights, and parental arrangements -- but also will help create conditions under which lesbians and gay men are more likely to win fully equal treatment of their relationships by the state.

Gaylaw: Challenging the Apartheid of the Closet, Cambridge, Mass.: Harvard University Press, 1999  
KF 4754.5 .E84 1999 Balcony



This book provides a comprehensive analysis of the legal issues concerning gender and sexual nonconformity in the United States. Part One, which covers the years from the post-Civil War period to the 1980s, is a history of state efforts to discipline and punish the behavior of homosexuals and other people considered to be deviant. During this period such people could get by only at the cost of suppressing their most basic feelings and emotions. Part Two addresses contemporary issues. Although it is no longer illegal to be openly gay in America, homosexuals still suffer from state discrimination in the military and in other realms, and private discrimination and violence against gays is prevalent. William Eskridge presents a rigorously argued case for the "sexualization" of the First Amendment, showing why, for example, same-sex ceremonies and intimacy should be considered "expressive conduct" deserving the protection of the courts. The author draws on legal reasoning, sociological studies, and history to develop an effective response to the arguments made in defense of the military ban. The concluding part of the book locates the author's legal arguments within the larger currents of liberal theory and integrates them into a general stance toward freedom, gender equality, and religious pluralism.

The Case for Same-Sex Marriage: From Sexual Liberty to Civilized Commitment, New York: Free Press, 1996  
HQ 76.3 .U5 E85 1996 Basement



"Suddenly, thanks to a surprising decision by the Hawaii Supreme Court, the issue of same-sex marriage is sweeping the country. Two-thirds of all Americans are reportedly opposed to the idea - but the discussion has just begun. Should the institution of marriage be redefined and expanded? Or should the state continue to restrict the choices of its gay and lesbian citizens?" "In this timely book that just might change the law of the land, William Eskridge offers arguments that will be controversial among both gays and straights. First, he demonstrates that only the modern West has failed to provide some form of sanction for same-sex unions. For those who claim that marriage has never been anything but heterosexual, Eskridge's historical evidence presents a profound challenge." "Second, he argues that legalizing same-sex marriage would help civilize gays. Whether because of the biology of masculinity or the furtiveness of illegality, gay men have been known for their promiscuous subcultures. Promiscuity has encouraged a cult of youth worship and has contributed to the stereotype of homosexuals as people who lack a serious approach to life. It is time for gay America to mature, and there can be no more effective path to maturity than marriage." "Third, same-sex marriage would help civilize America. A civilized polity assures equality for all its citizens. Without full access to the institutions of civic life, gays and lesbians cannot be full participants in the American experience. Gays and lesbians love their country, and have contributed in every way to its flourishing." "Along the way, Eskridge discusses the controversial issue of raising children in gay households. Finally, in an Appendix, he includes letters from a broad cross-section of American clergy - Protestant, Catholic, and Jewish, evangelical, traditional, and modern - in support of legalization. The Case for Same-Sex Marriage will catalyze arguments from coast to coast and stand at the forefront of political controversy

for a long time to come."

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Cases and Materials on Legislation: Statutes and the Creation of Public Policy, (with Philip P. Frickey and **Elizabeth Garrett**), St. Paul, Minn.: Thomson/West, 2007  
KF 4945 .A7 E85 2007Balcony

The fourth edition maintains the pathbreaking materials on theories of legislation, the legislative process, representational structures, campaign finance, regulation of lobbying, direct democracy, the relation of statutes and the common law, statutory interpretation, and statutory implementation. The new edition features up-to-date coverage of the Honest Leadership and Open Government Act of 2007, as well as substantially expanded coverage of judicial deference to administrative agency interpretation.

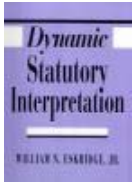


Legislation and Statutory Interpretation, (with Philip P. Frickey and Elizabeth Garrett), New York: Foundation Press 2006  
KF 425 .E834 2006 Balcony

Suitable for students or practitioners, this authoritative overview of the legislative process and statutory interpretation moves smoothly and understandably between the theoretical and the practical. You'll find in-depth discussion of such topics as theories of legislation and representation, electoral and legislative structures, extrinsic sources for statutory interpretation, and substantive canons of statutory interpretation. Reap the benefits of the authors' experience, opinions, and insight and gain a working knowledge of the area.

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Dynamic Statutory Interpretation, Cambridge, Mass. : Harvard University Press, 1994  
KF 425 .E83 1994 Balcony



Contrary to traditional theories of statutory interpretation, which ground statutes in the original legislative text or intent, Eskridge (law, Georgetown Law Center) argues that statutory interpretation changes in response to new political alignments, new interpreters, and new ideologies. He also considers how different normative theories of jurisprudence inform debates about statutory interpretation, explores what theory of statutory interpretation--if any--is required by democratic theory, and provides an analytical and jurisprudential history of important debates on statutory interpretation. Annotation c. by Book News, Inc., Portland, Or.

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Cases and Materials on Constitutional Law: Themes for the Constitution's Third Century, (with Daniel A. Farber and Philip P. Frickey), St. Paul, Minn.: West, 2009  
KF 4549 .F33 2009 Balcony



With its distinctively contemporary focus, this book uses cutting-edge issues in constitutional law to introduce students to the ongoing debates about the Supreme Court and its proper role in American society. This edition includes the latest decisions on the War on Terror, gay marriage, federalism, property rights, free speech, and discrimination law. It also includes enriched historical materials and complete coverage of all the major doctrinal areas.

