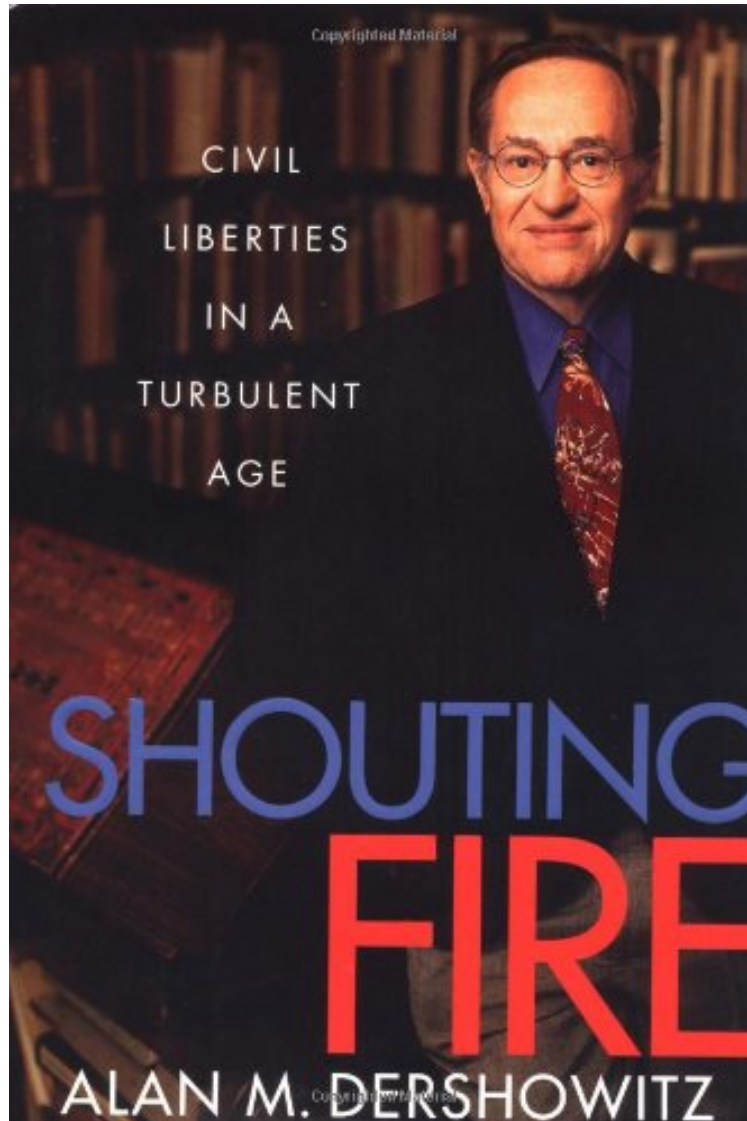


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## Shouting Fire: Civil Liberties in a Turbulent Age

*Alan M. Dershowitz*

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**Alan M. Dershowitz : Shouting Fire: Civil Liberties in a Turbulent Age** before purchasing it in order to gage whether or not it would be worth my time, and all praised Shouting Fire: Civil Liberties in a Turbulent Age:

0 of 0 people found the following review helpful. Five StarsBy S Mullingreat read0 of 1 people found the following review helpful. Another great book - Dershowitz is a genius.By TBar2Alan M. Dershowitz is probably one of the most intellectual men in the business of law and describing to other just what is going on with the law and why. Here he writes about Civil Liberties in a Turbulent Age. Get it read it, understand it. Great reading of course.2 of 2 people found the following review helpful. Well-informed treatise, with a few alarming predictionsBy Peter Vinton, Jr.Alan

Dershowitz addresses the changeability of the word "liberty" in a book that draws its title from "decades of government apologists analogizing free speech to shouting 'Fire!' in a crowded movie theater." Rather than taking the long view of the straightforward historian, he dissects individual court rulings in a series of essays (some previously published, some written exclusively for this book), from early British law to Oliver Wendell Holmes to the present-day Supreme Court. The question of "rights" is not as cut-and-dried as one would like to believe. Some of the essays are more philosophical on the subject of "rights;" that they cannot necessarily come from God (or "Nature's God") and so therefore may not be "self-evident." One theme Dershowitz seems to return to with regularity is the paradox that it often seems to be the citizens \_themselves\_ who want their rights curtailed in the name of safety or security (or sometimes just convenience, as evidenced by the current furor over the entertainment industry's "voluntary television ratings" system and how many parents' advocacy groups claim not to be able to decipher it and actually want the government to exercise more direct control, not only on the public stations but even on cable and other pay networks. Alarming, Dershowitz predicts tacit public approval on civil rights clampdowns on groups such as Muslims -a survey which was released by Cornell University in December 2004). For every "right" asserted by a particular group, there is almost inevitable a "counter right" that is claimed. Some of Dershowitz's essays address this directly (as with grandparent right-of-visitation statutes) while others venture off into what seem like wandering tangents (as with animal rights). It is Dershowitz's contention (echoing an opinion once written by Jefferson) that truth must be understood as a \_process\_ and not a \_product\_. In other words, any charter of liberty that professes to value free speech must inherently recognize the individual's right to be \_wrong\_.

A personal selection of his best and most provocative writings on rights, 0 covers a vast spectrum of civil liberties issues everything from the right to choice to the separation between church and state to the Holocaust and its long shadows. But also here, for the first time, is Dershowitz's surprising and brilliantly creative philosophy of rights, an innovative approach developed over nearly four decades and which is sure to cause controversy.

.com Prolific author Alan M. Dershowitz asks and answers a series of provocative questions in this engaging book. Is it okay for the government to censor its citizens? Do national-security interests ever justify the torture of suspected terrorists? "Why are there so many Jewish lawyers?" Shouting Fire is obviously an eclectic book. Parts of it have seen print previously and other sections appear here for the first time. Most readers probably won't plow straight through, but rather pick and choose the selections that carry special interest, whether it's animal rights or "the immorality of those who decline to become organ donors." Dershowitz gets the book started by outlining his own theory of rights, one that tries to steer a course between natural law and legal positivism. The really entertaining parts come later, however, when he discusses such charged topics as euthanasia, the death penalty, and how we pick federal judges. Liberals will like Shouting Fire best, but anybody who enjoys a good argument will find Dershowitz consistently engaging. --John Miller From Publishers Weekly Human rights come from human wrongs, argues famed criminal and civil rights lawyer Dershowitz; only by looking closely at past injustice we can construct a theory and law that attempts a more perfect justice. This collection of 55 short pieces (some new, most reprinted) maps out Dershowitz's thoughts on a wide range of legal and social topics: the role of psychiatry in the legal process, the problems of how the U.S. legal system chooses judges, the misuses of entrapment and "sting" operations even when used to correct an injustice, the history and legal ramifications of the death penalty. Some, like a two paragraph show of support for former Harvard Divinity School dean Robert F. Thiemann, who resigned when pornography was found on his university-owned computer, hardly feel worth reprinting. When Dershowitz is at his best, however, as when defending his defenses of "obviously guilty" clients like O.J. Simpson or asking in a playful and thoughtful essay 'Why Are There So Many Jewish Lawyers?' he is witty, pungent and incisive. Of particular interest are several essays written after September 11, dealing with the danger to civil liberties in time of national emergency and to fair trials for accused terrorists, as well as several ("Wiretaps and National Security Surveillance" and "Torture of Terrorists: Is it Necessary to Do and to Lie About It?") written before but pertinent now. Some provocative, even essential, material stands out in an uneven collection. (Jan.) Forecast: This book should do unusually well for a miscellany, spurred by its post-September 11 relevance and Dershowitz's reputation for wit and rigor within his spinning. Look for stepped-up media appearances by the already heavily booked Dershowitz, and short "what's he up to now?" pieces in nonreview venues. Copyright 2002 Cahners Business Information, Inc. From Library Journal Harvard law professor Dershowitz, a noted constitutional scholar, advocates a new analysis of rights based upon human experience of governmental wrongs, that is, an experiential approach to "natural" rights. He builds "a theory of rights from 'the bottom up,' by examining the history of injustices...and advocating rights based on those historical lessons." This approach challenges existing classic legal approaches to rights, which generally argue that such rights come from the law or nature. In the first four chapters, Dershowitz develops this theoretical approach by exploring where rights come from and connections between rights and wrongs. Dershowitz shows that individual rights should trump the power of the state but that these rights must be consistently advocated. His view is distinguished from Ronald Dworkin's liberal natural law approach. The remaining 50 chapters contain new and previously published essays on most major civil liberties

issues in the latter part of the 20th century, including discussion of the September 11 tragedies. Dershowitz's distinctive analysis of a rights framework will be an excellent addition to both public and academic libraries. Steven Puro, St. Louis Univ. Copyright 2002 Cahners Business Information, Inc.