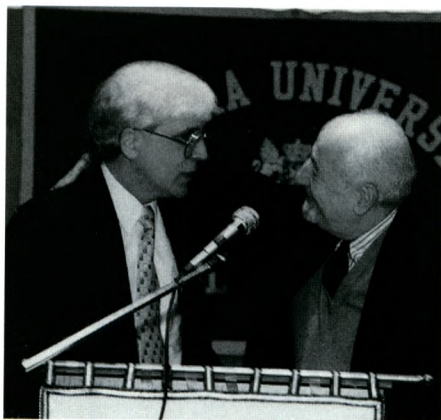


1996-97 Howard Kaplan Memorial Lecture Delivered by Judge Guido Calabresi by Glenn Burhans, Jr., '98 and Brenda Janowitz '98

On Thursday, February 13, 1997, the Hofstra Law School community hosted the Honorable Guido Calabresi, Circuit Judge of the United States Court of Appeals for the Second Circuit, who delivered the 1996-1997 Howard Kaplan Memorial Lecture. Judge Calabresi enhanced a roster of past lecturers that, Dean Stuart Rabinowitz said, reads like an "honor roll of the judiciary." Indeed, Judge Calabresi joined such noted jurists as Shirley Abrahamson, Richard Arnold, Stephen Breyer, and Antonin Scalia.

Judge Calabresi was introduced by his former student and Hofstra Law Professor, Vern Walker. Judge Calabresi graduated with first honors from Yale, both as an undergraduate and as a law student,



Hofstra Law Professor Vern Walker gives a warm welcome to his former Yale professor, the Honorable Guido Calabresi.

was a Rhodes Scholar, clerked for the Honorable Hugo Black, and has received numerous honorary degrees and awards. As author of *The Costs of Accidents - A Legal*

and Economic Analysis, as well as many other books and articles, Judge Calabresi has been a pioneer in the area of law and economics and has revolutionized tort law analysis. Prior to his appointment to the Second Circuit by President Clinton in 1994, Judge Calabresi served as Dean of the Yale Law School.

Judge Calabresi's lecture, "An Introduction to Law: Four Approaches to the Allocation of Body Parts," addressed the question, "Do we own our bodies?" The Judge focused on legal approaches that could be used to understand the question presented, rather than focusing on its answer.

Judge Calabresi presented a scenario in which a catastrophic nuclear accident necessitating mass, society-wide, bone marrow transplants occurs. In response to the situation, Congress enacts a law to draft all people with healthy bone marrow into the army and force them to donate their marrow (not unlike Vietnam era army experimentation with LSD). Judge Calabresi walked the audience through a series of legal analyses to address the question of whether the state has the right to reallocate body parts trumping citizens' rights to their own bodies.

Judge Calabresi began with the "Traditional Doctrinal Approach" which looks to precedent. Then he discussed the "Law and -- Approach" which arose in

response to the rigidity of the traditional approach and brings values from different disciplines into the legal analysis, such as economics, philosophy, and literature. "Legal



Judge Calabresi speaks dynamically to the audience.

Process," the third approach, was developed in response to the law and economics movement and looks not to answering the question at hand, but to who is best suited to answer it, i.e., the legislature, the courts, juries, or an administrative agency. This approach focuses on the strengths and weaknesses of each entity, and addresses the issue of who has access to the system. The fourth approach, "Law and Status," views the above schools through the prism of different status groups and how each is affected by the law, e.g., by race, gender, or sexual orientation.

Judge Calabresi argued that the different approaches are vital in responding to the larger policy issues encountered today.