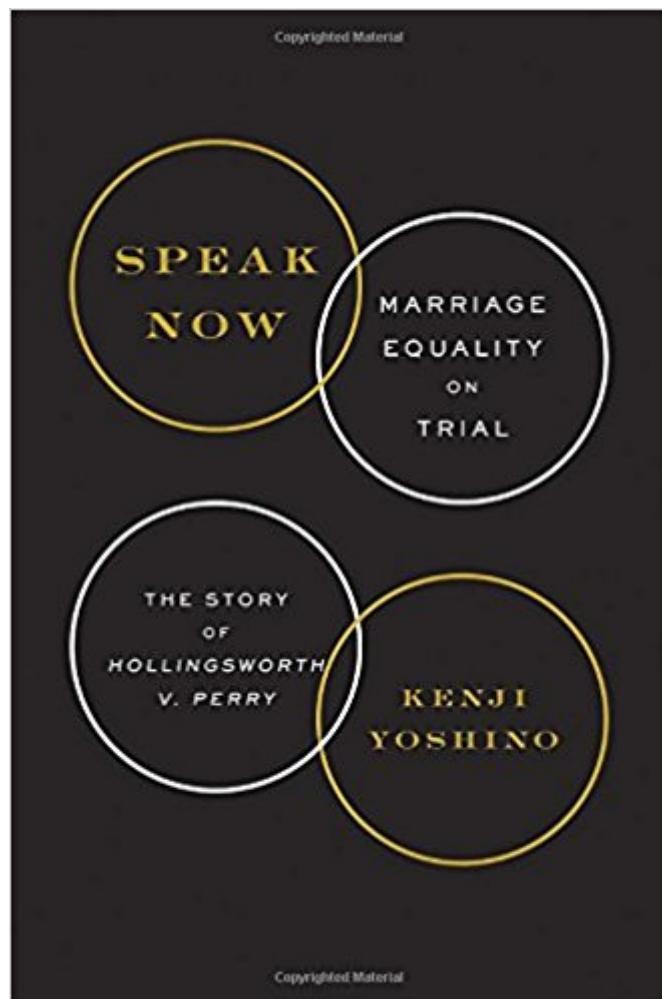


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Speak Now: Marriage Equality On Trial



Synopsis

A renowned legal scholar tells the definitive story of Hollingsworth v. Perry, the trial that stands as the most potent argument for marriage equality. Speak Now tells the story of a watershed trial that unfolded over twelve tense days in California in 2010. A trial that legalized same-sex marriage in our most populous state. A trial that interrogated the nature of marriage, the political status of gays and lesbians, the ideal circumstances for raising children, and the ability of direct democracy to protect fundamental rights. A trial that stands as the most potent argument for marriage equality this nation has ever seen. In telling the story of Hollingsworth v. Perry, the groundbreaking federal lawsuit against Proposition 8, Kenji Yoshino has also written a paean to the vanishing civil trial--an oasis of rationality in what is often a decidedly uncivil debate. Above all, this book is a work of deep humanity, in which Yoshino brings abstract legal arguments to life by sharing his own story of finding love, marrying, and having children as a gay man. Intellectually rigorous and profoundly compassionate, Speak Now is the definitive account of a landmark civil-rights trial.

Winner, Stonewall Book Award

Book Information

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Customer Reviews

A Boston Globe Best Book of 2015. Winner of the 2016 ABA Silver Gavel Award for Books. A valuable contribution. Above all, Yoshino both illuminates and lauds the trial, the truth-finding mechanism that puts claims of social convention, distinctions between groups and academic expertise to the test of the adversarial process.

• SAN FRANCISCO CHRONICLE "An astute exegesis of the Perry trial

[and] a tenderhearted memoir...Lucid, subtle and illuminating...A friend-of-the-court brief meant for the global court of public opinion."NEW YORK TIMES BOOK REVIEW"Stirring...Yoshino writes elegantly and compellingly about the background and lead-up to the case...A story that's both timely and durable."BOSTON GLOBE "Precision and compassion are frequently opposed, but Kenji Yoshino writes with almost fanatical clarity about the vulnerabilities of the human heart. His hard-won ability to imbue intellectual conundrums with moral certainty, his meticulous reporting on legal mechanisms and procedures, and his willingness to acknowledge his personal interest in Perry without indulging it to boost his arguments are all signs of his penetrating mind and dignified spirit. His exquisite restraint and quiet eloquence imbue this book, which is as much a triumph of poetry as it is of legal reasoning."ANDREW SOLOMON, author of *Far from the Tree* "Kenji Yoshino combines, in a breathtakingly beautiful way, the personal and legal aspects of the battle for marriage equality. The result is a poignant and powerful book that triumphs both as a human drama and a celebration of the judicial process. By the end, I had tears in my eyes."

WALTER ISAACSON, author of *The Innovators* "Speak Now is a beautifully and scrupulously written account of why facts matter, why trials matter, and why courts are well situated to unearth complex truths. It's also a story of why love matters and how the law  at its best  makes love visible to the rest of us."DAHLIA LITHWICK, legal correspondent, *Slate* "Kenji Yoshino's *Speak Now* proves anew that marriage is that sacred place where love meets law. This glorious human rights story, elegantly recounted by one whose own life has been transformed, should change forever the global conversation about the real meaning of same-sex marriage."HAROLD HONGJU KOH, Sterling Professor of International Law, Yale Law School "In this marvelously intricate tale of two civil ceremoniesa marriage and a trialKenji Yoshino offers brilliant insights into the ways a well-run civil trial can serve as an engine of cultural awakening."LAURENCE TRIBE, Carl M. Loeb University Professor, Harvard University "Not only a compelling and deeply felt account of the first federal same-sex marriage trial, *Speak Now* is a rich courtroom drama that attests to the transformative power of law."LINDA GREENHOUSE, Joseph Goldstein Lecturer in Law, Yale Law School; *New York Times* contributing writer "Beautifully craftedA celebration of the power of the adversarial system, at its best, to distinguish fact from bombast. In Kenji Yoshino *Hollingsworth v. Perry* has found its ideal chronicler."ANTHONY APPIAH, author of *The Honor*

Code; Professor of Philosophy and Law, New York University. "Speak Now shows how trial courts are uniquely well positioned to evaluate the truth or falsehood of legislative facts," "broad empirical propositions that are often politically contested" in ways that can advance equality and liberty. "Let there be a trial," Yoshino concludes, and by vividly describing the gay rights trial of the new century, he has created a gripping and memorable constitutional narrative.

JEFFREY ROSEN, President & CEO, National Constitution Center; Professor of Law, George Washington University Law School: "The beauty and elegance of Yoshino's writing about law at times stops you short. There will likely be no more important trial about same-sex marriage than Hollingsworth v. Perry and there will likely be no more important book about that trial than this one."

DALE CARPENTER, author of *Flagrant Conduct*; Earl R. Larson Professor of Civil Rights & Civil Liberties Law, University of Minnesota Law School: "Kenji Yoshino seamlessly weaves together the story of the landmark litigation over same-sex marriage in California, incisive insights about the power of trials, and personal reflections about his own marriage and parenting. The result is a captivating introduction to the issues of fact, law, and meaning surrounding marriage equality."

MARTHA MINOW, Morgan and Helen Chu Dean and Professor, Harvard Law School: "Eloquent, lucid, and profoundly moving." Yoshino demonstrates how the careful and respectful procedures of the courtroom can separate fact from prejudice, and perhaps even allow the distilled light of reality to mend passionate social divisions. He has written a compelling tale for our zealous and polarized times.

ROBERT POST, Dean and Sol & Lillian Professor of Law, Yale Law School: "Speak Now is a book every law student should read." It does for civil litigation and equal protection what Gideon's Trumpet did for criminal adjudication and the right to counsel: marrying a gripping case study with a broader understanding of how law develops.

PAM KARLAN, Kenneth and Harle Montgomery Professor of Public Interest Law, Stanford Law School: "Speak Now is a uniquely thoughtful account of one of the most important legal trials of our generation, from someone who truly understands the movement for equality. Part history lesson, part personal narrative, part analysis" all from a brilliant legal mind.

RICHARD SOCARIDES, former Senior Adviser to President Bill Clinton: "A stirring paean to the critical role of the rule of law" and the beauty of reason--in the cause of justice.

LINDA HIRSHMAN, author of *Victory: The Triumphant Gay Revolution*: "Yoshino has long been an astute observer-participant at the intersection of law and LGBT experience." He skillfully weaves his family's

experience fighting for legal recognition with an account of the [Perry] lawsuit from inception to Supreme Court ruling [and] masterfully guides lay readers through the intricate legal landscape. Yoshino's passionate and forceful prose is, as always, a delight to read. • LIBRARY JOURNAL, starred review "A crisp, shrewd analysis of Hollingsworth v. Perry...Yoshino claims that he was riveted by the 3,000-page trial transcript; his cogent, incisive narrative is equally captivating." • KIRKUS REVIEWS

Kenji Yoshino is the Chief Justice Earl Warren Professor of Constitutional Law at New York University School of Law. A graduate of Yale Law School, where he taught from 1998 to 2008, he is the author of *Covering: The Hidden Assault on Our Civil Rights and A Thousand Times More Fair: What Shakespeare's Plays Teach Us About Justice*. Yoshino's writing has appeared in the Los Angeles Times, the New York Times, and the Washington Post. He lives in New York with his husband and two children.

I absolutely love *Speak Now*. It breathes life and passion into an otherwise dense legal narrative -- in ways that both lay readers and legal experts will find gripping. And while the book focuses on the trial that brought marriage equality back to California, the author also sets forth a broader (and in my view, very convincing) argument about the benefits of litigation, and especially trials, to uncover the truth more generally. A lot of people assume that trials are useful only for minor or narrow factual disputes and not broad social issues, but Yoshino shows that this isn't the case. Finally, while Yoshino presents and defends a particular perspective on the Prop 8 trial (and trials more generally), the book is also very fair and respectful when it comes to presenting opposing views. The Prop 8 litigation was very controversial among LGBT groups, and Yoshino does a masterful job explaining the competing views among the advocates (and their adversaries).

I'll say this book is nearly flawless. The only flaws are a few adverbs and clunky metaphors: the author loves the latter, and some soar. Others land with a thud and distract you from the flow of the narrative. However, except for these idiosyncrasies, the narrative races. I needed a racing narrative because I wanted to get myself up to speed for the marriage arguments at the Supreme Court that, as of this writing, are coming up in a few days. The author does an excellent job not only in retelling the history of the issue of gay marriage, but also of giving the arguments of opponents of gay marriage - whose positions he obviously disagrees with - an honorable presentation. You do not need to be a lawyer to enjoy this book, as other reviewers have stated. The author assumes you are

not, and even explains legal concepts that would entertain non-lawyers and lawyers alike - his explanation of en banc review, for example, which would take too long to explain here, but you'd have to pay attention to enjoy. You have to be intelligent, therefore, and curious about the subject; though if you are intelligent, the book would make you curious about the subject. His discussions of his own family, weaving in and out, do not distract from the book's purpose, and keep the reader interested with a little personal decoration. The best part for me was his summary of the testimony at trial. I wanted to read the transcript of the trial in question, but reading transcripts can be dull; this summary was enough, and I accept the author's veracity given the charitable rendering he gave to the other side, whom for me are the demons. (And by the way, he also gives a good argument for not demonizing these people as bigots.) Finally, he provides trial lawyers like me great language for taking differing positions to trial and exposing them to the trial of "sunlight" that, as (former US Supreme Court Justice Louis) Brandeis said, "is said to be the best of disinfectants." Highly recommended.

A truly remarkable read... I have basically no legal training, and I was able to follow the narrative from beginning to end. It's not every day that a layperson can pick up a book about the law and find it a true page-turner! This book provides an important explanation of the legal principles involved, but also tells a compelling story about the personal impact of the debate over same-sex marriage. I came away from this book better educated on the legal system, both in terms of the debate over same-sex marriage AND in terms of the importance of the trial process. I'm inspired with hope for a future in which trials like this can change society for the better.

Wonderfully written account of the case that brought down Prop 8. What I liked about the book was that not only were issues from the trial discussed, but so were things raised during depositions. This provided a fuller account and context for the trial. There was also a lot of background legal history discussed which was interesting. Highly recommended to anyone interested in LGBT history and litigation.

Yoshino has shown that civil trials concerning so-called "legislative facts" can make all the difference in constitutional litigation. The trial held in San Francisco concerning Proposition 8 showed the weakness of the factual and policy-related grounds for opposing marriage equality. If you want to understand the 2015 decision for marriage equality, this book is a good place to begin.

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