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Introduction to Keynote Address: Symposium:
The First Amendment and the Media:
Convergence--Necessary, Evil, or Both? The Legal,
Economic, and Cultural Impacts of Mega Media
Mergers

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Introduction to Keynote Address

Joel R. Reidenberg*

It is my pleasure today to introduce our keynote speaker, Professor Larry Lessig. Professor Lessig is the Jack and Lillian Berkman Professor of Entrepreneurial Legal Studies at Harvard Law School and is a renowned scholar in intellectual property, constitutional, Internet, and new media law. Indeed, the last time Professor Lessig spoke here at Fordham, he was focusing on his pioneering work addressing fidelity in constitutional interpretation.¹ Of course, not the sort of fidelity that the Senate is debating this afternoon.

Professor Lessig has degrees from the University of Pennsylvania, Trinity College, Cambridge, and the Yale Law School, and has had a stint seeing the inside of the courts as a clerk for Judge Posner on the Seventh Circuit and Justice Scalia on the Supreme Court. Prior to moving to Harvard, he was a professor at the University of Chicago Law School.

Presently, Professor Lessig is completing two books—*Code*

* Associate Professor of Law, Fordham University School of Law, New York, NY. Dartmouth College, A.B. 1983; Columbia University School of Law, J.D. 1986; Université de Paris I (Pantheon-Sorbonne), D.E.A. 1987. A version of these remarks was delivered on February 9, 1999 at the *Fordham Intellectual Property, Media & Entertainment Law Journal's* Seventh Annual Symposium: First Amendment and the Media, at Fordham University School of Law.

1. See Lawrence Lessig, *Fidelity and Constraint*, 65 *FORDHAM L. REV.* 1365 (1997). The Symposium on "Fidelity in Constitutional Theory," which Professor Lessig participated and prepared an article was held on September 18, 1996 to September 21, 1996. Professor Lessig in his article argued for a certain conception of fidelity:

The conception is a practice that I have called translation. Translation captures . . . the essence of the judge's task; it advises a creativity in recapturing what was said, it cautions a certain humility to assure that a translation says only what was said. It tracks well much of the shifts that constitutional law has seen; it understands them as efforts, however imperfect, at recapturing and preserving values from a different place and time.

Id. at 1432.

and *Other Laws of Cyberspace*,² which I understand will be out this fall through Basic Books, and a second book, *Fidelity in Translation*.³ The *New York Times* has deemed him one of the leading intellectuals of his generation.⁴ In fact, this expertise was very widely and publicly recognized last year when he served briefly as the Special Master in the Microsoft antitrust case.⁵

Professor Lessig has called what is happening in cyberspace “world-building.” We are honored that he has joined us today to share his views on the role of government, academia and society in building that world. Please join me in welcoming Professor Lawrence Lessig.

2. See LAWRENCE LESSIG, *CODE AND OTHER LAWS OF CYBERSPACE* (forthcoming 1999).

3. See LAWRENCE LESSIG, *FIDELITY IN TRANSLATION* (forthcoming 1999).

4. See Amy Harmon, *Theorist's Task: Make Old Laws Fit in Digital World at Microsoft*, N.Y. TIMES, Dec. 15, 1997, at D2. The *New York Times* reported:

Into the epic legal battle between the world's most powerful software corporation and the U.S. government, enter the quixotic Lawrence Lessig, a 36-year-old Harvard law professor who speaks softly and espouses radical new—and stubbornly non-partisan—ideas about how traditional legal principles translate into cyberspace . . . A constitutional scholar and by all accounts one of the leading intellectuals of his generation in American law . . . he is a certified computer whiz whose career accomplishments include almost single-handedly propelling the Supreme Court's computer system into the modern age when he clerked there in 1990.

Id.

5. See *id.*