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EDUCATION

Yale Law School	J.D. 1980
Yale University	Ph.D. 1977 (Philosophy)
University of Chicago	B.A. 1973

PROFESSIONAL POSITIONS

- 1999-present: Robert W. Winner Professor of Law and the Humanities
- 1999-present: Director, Orville H. Schell, Jr. Center for International Human Rights
- 1993-1999: Nicholas deB. Katzenbach Professor of Law, Yale Law School
- 1990-1993: Professor, Yale Law School
- 1985-1990: Associate Professor, Yale Law School
- 1983-1985: Member of Nicaraguan Legal Team at International Court of Justice
- 1982-1985: Attorney at Powell, Goldstein, Frazer & Murphy in Washington, DC
- 1982-1983: Legal consultant to Constitutional Commission of Liberia
- 1980-1982: Law clerk to Justice Byron R. White, United States Supreme Court
- June 1980: Ballot Access Litigation for the Anderson Campaign

PUBLICATIONS & LINKS

Books:

Making the Case: The Art of the Judicial Opinion, Yale University Press, 2016 (Spanish translation forthcoming)

Finding Ourselves at the Movies: Philosophy for a New Generation, Columbia University Press, 2013

Political Theology: Four New Chapters on the Concept of Sovereignty, Columbia University Press, 2011 (Spanish translation 2012; Chinese translation 2015)

Sacred Violence: Torture, Terror, and Sovereignty, University of Michigan Press, 2008 (Spanish translation 2015)

[Out of Eden: Adam and Eve and the Problem of Evil](#), Princeton University Press, 2006

[Putting Liberalism in its Place](#), Princeton University Press, 2004 (Chinese translation 2015; Spanish translation forthcoming)

[Law and Love: The Trials of King Lear](#), Yale University Press, 2000 (Chinese translation 2009)

[The Cultural Study of Law: Reconstructing Legal Scholarship](#), University of Chicago Press, Spring 1999 (Spanish translation, *El análisis cultural del derecho: Una reconstrucción de los estudios jurídicos*, 2001; reissued 2014; Chinese translation forthcoming)

[The Reign of Law: Marbury v. Madison and the Construction of America](#), Yale University Press, 1997

[Legitimacy and History: Self-Government in American Constitutional Theory](#), Yale University Press, 1992

Articles and Book Chapters

“Freedom and Method,” in *Rethinking Legal Scholarship: A Transatlantic Dialogue*, Rob van Gestal, Hans W. Micklitz, Edward Rubin, eds. (forthcoming 2017)

[The Jurisprudence of Religion in a Secular Age: From Ornamentalism to Hobby Lobby](#)
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The Constitution and United States Culture, in [The Oxford Handbook of the US Constitution](#)
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Politics and the Necessity of Narrative, *Soundings* vol. 97 No. 3 p. 349 (2014).
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[Statutes and Democratic Self-Authorship](#) with Kiel R. Brennan-Marquez, 56 *William and Mary Law Review* (2014).

On Humanities and Human Rights, in [The Humanities and Public Life](#), Peter Brooks, ed.
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El Analisis Cultural del Derecho, Siglo del Hombre Editores, Colombia
Teologia politica: cuatro nuevos capitulos sobre el concepto de soberania, Siglo del Hombre Editores, Colombia

[Imagining Warfare](#), *Eur. J. Int. Law* vol. 24 (1), 2013

[Political Theology Defended](#), *Jerusalem Review of Legal Studies*, 2012

A Civil Religion of Human Rights?, in [Civil Religion, Human Rights and International Relations: Connecting People Across Cultures and Traditions](#) edited by Helle Porsdam, 2012

[Torture and the Dream of Reason](#), *Social Research* vol. 78: No. 3, Fall 2011

["Liebe, Unschuld und der Staat: Liebe und Politik: Was die politische Theorie vom Kino lernen kann/ Love Innocence and the State. Love and Politics: What Political Theory can learn from the Movies](#) 4 *Behemoth*, Issue 3, 2011

[Criminal and Enemy in the Political Imagination](#), 99 *Yale Review*, 2010

[Criminels, ennemis et imaginaire de la violence](#), 53 *Archives de philosophie du droit*, 2010

Winslow Homer, [Veteran in a New Field](#), *Nexus 55 Hope and Consolation* (Danish), 2010

[Sacrificial Nation](#), *The Utopian*, 2010

[Torture and Democratic Violence](#), 22 *Ratio Juris*, 2009

[Philosophy and the Politics of Unreason](#), 97 *California Law Review*, 2009

[Justice or Legitimacy: A Response to Ocko and Gilmartin](#), 68 *Journal of Asian Studies*, 2009

Il carisma e il fondamento dell'autorità giudiziaria, 22 *Filosofia e Teologia*, 2008

[Evil and European Humanism](#), *Nexus Jubilee Issue*, 2008

[Christianity, National Identity and the Problematic Character of Human Rights in the United States](#), *Cosmopolis*, vol III, no. 1, 2008

[Political Time: Sovereignty and the Transtemporal Community](#), 28 *Cardozo Law Review*, 2006

[Legal Performance and the Imagination of Sovereignty](#), 3 *Performance and the Law*, 2006

[Judicial Ethos and the Autonomy of Law](#), 110 *Penn State Law Review*, 2006

[Beyond Reason and Desire: Political Thought and the Problem of Sex](#), *American Sexuality Magazine*, vol. 3, no. 4, 2005

[American Exceptionalism, Popular Sovereignty and the Rule of Law](#), in *American Exceptionalism*, edited by Michael Ignatieff, Princeton University Press, 2005

[The Question of Sovereignty](#), 40 *Stanford Law Review*, 2004

[Comparative Constitutionalism in a New Key](#), 101 *Michigan Law Review*, 2004 (Chinese translation 2015)

Universal Jurisdiction or the Rule of Law, in *The Case of Ariel Sharon and the Fate of Universal Jurisdiction*, edited by John Borneman, Princeton Institute for International and Regional Studies, Monograph Series, No. 2, Princeton University, 2004

[Owen Fiss: Heroism in the Law](#), 104 *University of Miami Law Review*, 2004

[The International Criminal Court: Why the United States is so Opposed](#), *Crimes of War Project Magazine*, December 2003

[National Security and Human Rights after September 11](#), in *Human Rights: From the Frontiers of Research* (Upsala 2003)

[The Paradox of Riskless Warfare](#), *Philosophy and Public Policy Quarterly*, Summer 2002

[Freedom, Autonomy, and the Cultural Study of Law](#), 13 *Yale Journal of Law and the Humanities*, Spring 2001

“Verfassungsgerichtsbarkeit und demokratische Legitimation,” 49 *Jahrbuch des Öffentlichen Rechts der Gegenwart*, 2001

[Conceptos cambiantes en la situación política de la religión](#), *Revista Jurídica de la Universidad de Palermo*, 2000

[War Powers and the Millennium](#), 34 *Loyola Law Journal*, November 2000

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[Nuclear Weapons and the Rule of Law](#), 31 *NYU Journal of International Law and Politics* 349 Winter/Spring 1999.

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[On Pinochet](#), *Boston Review*, February/March 1999

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[Interpretation and Authority in State Constitutionalism](#), 106 *Harvard Law Review*, Spring 1993

[Lessons for International Law from the Gulf War](#), 45 *Stanford Law Review*, Winter 1993

[Community in Contemporary Constitutional Theory](#), 99 *Yale Law Journal*, Fall 1989.

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[Theory and Power in the White House](#), *Yale Law Report*, Fall 1988.

[The Court, the Community and the Judicial Balance](#): The Jurisprudence of Justice Powell, 97 *Yale Law Journal*, Fall 1987

[From Nuremberg to the Hague: The United States Position in *Nicaragua v. United States*](#) and the Development of International Law, 12 *Yale Journal of International Law*, Winter 1987

[Gramm-Rudman and the Capacity of Congress to Control the Future](#), 13 *Hastings Constitutional Law Quarterly*, Winter 1986

[A Rational Federalism](#), with Stuart Eizenstat, *Public Welfare*, Spring 1983

Recent On-line Commentary

[Scalia Brought Constitutional Law into the Political Arena](#), *AllJazeera America*, February 14, 2016

[Beware a Pyrrhic Victory Over ISIL](#), *Al Jazeera America*, November 17, 2015

[Hospital Bombing Reveals US Failure in Afghanistan](#), *Al Jazeera America*, October 14, 2015

[Here's the Other Ticket: Kasich and Rubio](#), *Huffington Post*, August 24, 2015

[Here's the Ticket: Biden and Warren](#), *Huffington Post*, August 17, 2015

[Netanyahu Doesn't Care About Iran Getting the Bomb](#), *Al Jazeera America*, August 12, 2015

[The Dangers of Political Moralizing](#), *Huffington Post*, July 30, 2015

[Fear Corporations or Fear Nations?](#), *LA Times*, July 2, 2015

Liberalism Needs Better Politicians, *Al Jazeera America*, May 25, 2015

At Stake in Yemen, the Nuclear Deal With Iran, *Al Jazeera America*, April 13, 2015

Substantial Blogs/Postings

The Autochthonous State, The Blog for Political Theology, December 2011

The Disciplinary Divide, The Blog for Political Theology, November 2011

A Response to Critics, The Immanent Frame Blog, November 2011

The Integrity of Theory, The Immanent Frame Blog, August 2011

Political Theology and Liberalism, The Immanent Frame Blog, June 2011