
Gaston County v. United States: Fruition of the Freezing Principle, 1969 Supreme Court Review 379


Busing Amendment: Does This Proposal Violate Constitution?, Chicago Tribune, March 13, 1972

Injunctions, Foundation Press, New York, 1972


The Jurisprudence of Busing, 39 Law & Contemporary Problems 194 (1975); The Courts, Social Science and School Desegregation 194 (B. Levin and W. Hawley, eds.,1977)


Groups and the Equal Protection Clause, 5 Philosophy and Public Affairs 107 (1976); Equality and Preferential Treatment 84 (M. Cohen, T. Nagel, T. Scanlon, eds., 1977); Modern Constitutional Theory 319 (J. Garvey, T. A.

**Affirmative Action: An Answer to Discrimination?** American Enterprise Institute Roundtable (1975)


**Dombrowski**, 86 Yale Law Journal 1103 (1977)


The Structure of Procedure, Foundation Press, New York, 1979 (with Robert M. Cover)


The Rehnquist Court, The New Republic, March 10, 1982 (with Charles Krauthammer)


**Free Speech and the Prior Restraint Doctrine: The Pentagon Papers Case in The Supreme Court and Human Rights** 49 (B. Marshall, ed., 1982)


The High Court: Illusion of Victory, The Nation, December 18, 1982 (with Geoffrey Aronow)


Legal Modes of Interpretation: Principled, Political or Nihilistic?, Panel on Law and Humanities, 1984 AALS Annual Meeting, San Francisco, Jan. 7, 1984 (with R. Cover, S. Fish & R. Weisberg) (tape available from AALS)


Two Models of Adjudication in "How Does the Constitution Secure Rights?" (Robert Goldwin and William Schambra, eds., 1985); Teoria do Processo: Panorama Doutrinario Mundial 761 (Fredie Didier Jr. and Eduardo Ferreira Jordão, eds., 2008)
The Jurisprudence [?] of Stanley Fish, ADE Bulletin, Spring 1985, p. 1

Correspondence on the Critical Legal Studies Movement, 35 Journal of Legal Education 24, 26 (1985)

Coney Island: A Game of Discovery, Center for Computer Assisted Legal Instruction, 1985 (with Thomas Glocer and Ronald Wright)

The New Procedure, 54 Revista Juridica de la Universidad de Puerto Rico 209 (1985); The Constitution and the Regulation of Society 129 (Gary Bryner and Dennis Thompson, eds., 1988)


Letter to the Editor, Bork is No Centrist Disguised as a Conservative, The New York Times, July 31, 1987

Statement Before the Committee on the Judiciary of the United States Senate, Hearings on the Nomination of Robert H. Bork to be an Associate Justice of the United States Supreme Court, One Hundredth Congress, First Session, September 25, 1987, Committee Print Part 2, p. 2495

Justice Chicago Style, 1987 University of Chicago Legal Forum l


Coda, 37 University of Toronto Law Journal 229 (1988)

The Challenge Ahead, 1 Yale Journal of Law & the Humanities viii (1988)


La Independencia Judicial, in Formación y perfeccionamiento de los jueces, 8 Cuadernos de Análisis Jurídico, Universidad Diego Portales, Chile 51 (1989)


Letter to the Editor (Poder Judicial Destruido) in La Nacion, Buenos Aires, Argentina, April 25, 1990


Las privatizaciones, un remedio desperado, 3 Relato de Hechos e Ideas 31 (1990)

Reason in All its Splendor, 56 Brooklyn Law Review 789 (1991)


Buffalo Creek: A Game of Discovery, Center for Computer Assisted Legal Instruction 1991 (with Ronald Wright)


A Decency Czar? The Nation, 473, April 15, 1991

The Other Goldberg, in The Constitution of Rights: Human Dignity and American Values (M. Meyer and W. Parent, eds. 1992)

The Irrepressibility of Reason, 5 Yale Journal of Criticism 213 (1992)


Freedom and Feminism, 80 Georgetown Law Review 2041 (1992); Orientamenti Civilistici E Canonistici Sulla Condizione Della Donna 171 (Maria Teresa Guerra Medici, ed., 1996)


Tribute to Justice Marshall, Special Session of the United States Court of Appeals for the Second Circuit Honoring the Memory of Justice Thurgood Marshall, 995 F.2d xcix (1993)


The Right Kind of Neutrality, in Freeing the First Amendment 79 (D. Allen, R. Jensen, eds.1995)


The Irony of Free Speech, Harvard University Press (1996); Gedisa (Spain) (1999); Az-Boli (Macedonia) (2003), Editora Renovar (Brazil) (2005); Shanghai Sanhui Culture and Press (China) (2005)


The Supreme Court and the Problem of Hate Speech, 24 Capital University 281 (1996)
Human Rights as Social Ideals, Lecciones y Ensayos de la Universidad de
Buenos Aires 66 (1996) (in Spanish); Normative Systems in Legal and Moral
Theory, Festschrift for Carlos E. Alchourrón and Eugenio Bulygin 103 (Ernesto
Garzón Valdés, Werner Krawietz, Georg Henrik von Wright, Ruth Zimmerling,
eds.) Duncker & Humblot, Berlin, 1997; Human Rights in Political Transitions:
Gettysburg to Bosnia (Carla Hesse & Robert Post, eds.) P. 263, Zone Books
(1999)

Affirmative Action as a Strategy of Justice, 17 Philosophy & Public Policy 37
(1997); El Derecho frente a la pobreza. Pedro P. Grández Castro (ed.), Palestra
Editores, Lima, Peru, 2011, pp/17-23 (in Spanish)


Speech & Power Symposium, Is First Amendment Absolutism Obsolete? The
Nation, p. 13, July 21, 1997

Libertad de Expresión y Estructura Social, Fontamara (Mexico) (1997)

The Unruly Character of Politics, 29 McGeorge Law Review 1 (1997); El
carácter indócil de la política, 80 Lecciones y Ensayos 41, Lexis Nexis, Buenos

Money and Politics, 97 Columbia Law Review 2470 (1998); Política y dinero, 8
Isonomía 125, Instituto Tecnológico Autónomo de Mexico (1998) (in Spanish)

Hong Kong Democracy, 36 Columbia Journal of Transnational Law 493 (1998)

The Immigrant as Pariah, Boston Review, October/November, 1998, p.4


Discipline and Passion, Remarks to Honor Eugenio Bulygin and Carlos
Alchourrón in Rechtstheorie, Zeitschrift fur Logik, Methodenlehre, Kybernetik
und Sozologie des Rechts, Duncker & Humblot, P.269 (W. Krawietz, ed. 1998)

Decolonizing Puerto Rico, 67 Revista Jurídica Universidad De Puerto Rico
1121 (1998)

A Community of Equals, Beacon Press (1999); Una comunidad de iguales,
Miño y Dávila (Spain, 2002), Biblioteca de Ética, Filosofía del Derecho y
Política (Mexico, 2008) (in Spanish)
A National Communications Policy, FCC Testimony Regarding Local Television Ownership Rules, February 12, 1999


Woburn: A Game of Discovery, Center for Computer Assisted Legal Instruction 1999 (with Charles Berger)


A Task Unfinished, Boston Review, July/August 2000, p. 19


The Supreme Court at the Bar of Politics, The Hartford Courant, December 14, 2000, Section A, p. 25

El Valor de la Libertad de Expresión, Apuntes de Derecho, Derechos Fundamentales y Libertades Públicas, VII, Facultad de Derecho, Universidad Diego Portales, Primavera 2000, p.32


Libertad política y empleo público, 2 Revista Mexicana de Derecho Público, Octubre 2001

The Many Faces of the State, 6 Review of Constitutional Studies 1 (2001)


The Fallibility of Reason, in Bush v. Gore: The Question of Legitimacy, Yale University Press (B. Ackerman, ed. 2002), p. 84


La Justicia no puede actuar como sirviente del mercado, Clarín (Argentina) 16 June 2002 (interview in Spanish)


Adjudication and Its Alternatives, Foundation Press, 2003 (with Judith Resnik)


In the Shadow of War, 58 University of Miami Law Review 449 (2003)


Speak, Canada, Speak, Convocation Address to the Class of 2004, University of Toronto, June 7, 2004, Toronto Star, A26, June 15, 2004(Peru) (interview in Spanish)

Um novo processo civil: estudos norte-americanos sobre jurisdição, constituição e sociedade, Editora Revista Dos Tribunais, 2004 (In Portuguese)

Modelos de Adjudicacao, Cadernos Direito GV, J.R. Rodriguez, Ed., Caderno #8 (November 2005 Symposium)

The War Against Terrorism and the Rule of Law, 26 Oxford Journal of Legal Studies 235 (2006); La Guerra contra el terrorismo y el Estado de Derecho, Revista Argentina de Teoría Jurídica, May 2006


Prologo a Los Escritos de Carlos S. Nino, Gustavo Maurino, ed., Editorial Gedisa (Barcelona, 2007) (In Spanish)

The Fragility of Law, 54 Yale Law Report 40 (Summer 2007); Anuario de derechos humanos, Centro de Derechos Humanos, Universidad de Chile, July 2009 (in Spanish)

Comentario sobre la globalizacion y poder ejecutivo, Seminario en Latinoamérica de Teoría Constitucional y Política (SELA 2006) 151, Editores del Puerto (Buenos Aires, 2007)

The Challenge Ahead, published in the Seattle Post-Intelligencer under the title “Sometimes There is No Other Way to Achieve Integration,” on Aug. 31, 2007; published in the Louisville Courrier-Journal under the title “A Compelling Basis for Integration: Study of Louisville's Case Offers Parameters” on Sept. 16, 2007


Prologue to John Rawls' The Best of All Games,, Boston Review, (Mar/Apr 2008), p. 22

No dar conferencias de prensa es una forma de censura, interview by Laura Di Marco of La Nación, Buenos Aires, Argentina, July 23, 2008 (In Spanish), p.10

The Perils of Minimalism, 9 Theoretical Inquiries in Law 643 (2008)


Obama debe enfrentar el pasado para construir las bases del futuro, Semana.com, April 30, 2009. (Interview in Spanish)

Agradecimientos por la distinción Sócrates, Speech (in Spanish), Universidad de los Andes, April 28, 2009

The Example of America, Yale Law Journal Pocket Part, May 1, 2009; Huffington Post, May 12, 2009; The Daily Star (Lebanon), July 7, 2009


Brown in the Age of Obama, Fourth Child Policy Forum of New York, November 14, 2009
Obama’s Betrayal, Slate, December 4, 2009; The Daily Star (Lebanon); Encarcelamiento sin juicio (Spanish) El Cronista, Portal Derecho, Madrid. January 17, 2011, p.16; (Spanish) Inseguridad, democracia y derecho, Seminario en Latinoamérica de teoría constitucional y política, Libraria, Buenos Aires, 2011, p. 208


Democracia y Disenso. Una teoría de la libertad de expression, Ad Hoc, Buenos Aires, 2010 (in Spanish)

Trebilcock’s Heresy, 60 Univ. of Toronto L.J. 511 (2010)


Aberrations No More, 2010 Utah Law Review 1085

Imprisonment without Trial, 47 Tulsa Law Review 347 (2011); El Cronista, January 2011, p.16 (in Spanish); SELA 2010 (Libraria, Argentina, 2011) (in Spanish)

A Predicament of His Own Making, Boston Review (online) (May 3, 2011); El Cronista (in Spanish), Madrid, no. 27, March 2012, p. 18


A Confession, 58 Yale Law Reports 52 (2011); Chinese translation in Peking University Lawyers, No. 78 (July 1st, 2016), at 15

Agradecimientos en la ocasión del Honoris Causa conferido por la Universidad de Buenos Aires. Speech (in Spanish), October 7, 2011

Universidad y prensa tienen roles similares, Clarín (Argentina, in Spanish), October 31, 2011

Doar/Fiss, A Conversation with John Doar, conducted as part of the “Voices of the Civil Rights Division, Then and Now” program in Washington, D.C. on October 28 & 29, 2011. 44 McGeorge Law Review 293 (2013)


"Obama y Bush se parecen" Interview (in Spanish), published in Pagina 12 (Buenos Aires) and CubaDebate (Havana), October 20, 2013


“To Stand for What is Right,” Eulogy for John Doar, Princeton University, January 24, 2015


“Robert A. Burt” (a biographical note), with Paul Schwaber, Journal of the International Academy of Law and Mental Health


Direito como Razão Pública: Processo, Jurisdição e Sociedade (Portuguese translation), Juruá Editora (Curitiba, Brazil), March 2017

“Fazendo da Constituição uma verdade viva: Quatro Conferências sobre a ‘structural injunction’” (in Portuguese) Processos Estruturais, Sergio Cruz Arenhart and Marco Félix Jobim (eds.), Editora Jus Podium, Salvador da Bahia, Brazil (June 2017)


“Our Oedipus,” Part of a Celebration of Robert Post and his Deanship (May 23, 2017), Yale Law Reports, Summer 2017, p. 48

Hacer del Derecho una verdad viviente, tirant lo blanch (February, 2018).

Freedom of Speech / SELA 2018 Commentary (to appear in the 2018 SELA Annual)

Political Freedom and the Power of the Purse, Vol. 9 (2), Maasei Mishapt, p. 243 (in Hebrew); Book Published by Los Andes, Edited by Roberto Saba (in Spanish) in process


Free Speech and Campaign Finance, Dartmouth College, Osher Lifelong Learning Institute, July 11, 2019

La libertad de expression es un instrumento para asegurar la libertad política de la comunidad, Diálogos a fondo (Interview by Roberto Saba), Clarín, August 25, 2019: https://www.clarin.com/opinion/owen-fiss-libertad-expresion-instrumento-asegurar-libertad-politica-comunidad_0_6r66Tuoku.html