List of Publications


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


The Inappropriateness of the Intent Test in Equal Protection Cases, 74 Federal Rules of Decision 276 (1977)

Dombrowski, 86 Yale Law Journal 1103 (1977)

The Civil Rights Injunction, Indiana University Press, Bloomington, 1978


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

The Forms of Justice, 93 Harvard Law Review 1 (1979)

The Varieties of Positivism, 90 Yale Law Journal 1007 (1981)


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


The Social and Political Foundations of Adjudication, 6 Law and Human Behavior 121 (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)

**The Law According to Yale**, in Power and Policy in Quest of Law 417 (Myres S. McDougal and W. Michael Reisman, eds., 1985); El derecho según Yale, La


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 1


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)


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


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

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


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)
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


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)


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


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)


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)


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.