

JOHN FABIAN WITT
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Positions

YALE LAW SCHOOL

Allen H. Duffy Class of 1960 Professor of Law, February 2010- present
Guggenheim Fellow, 2010-2011
Professor of History, July 2009 – present
Professor of Law, January 2009-February 2010

COLUMBIA UNIVERSITY

George Welwood Murray Professor of Legal History. July 2008 to July 2009
Professor of Law and History. July 2005 to July 2008
Associate Professor of Law, July 2001 to July 2005
Visiting Associate Professor, Harvard Law School, Spring 2005

UNIVERSITY OF TEXAS, AUSTIN

Harrington Faculty Fellow, University of Texas at Austin, Fall 2004

JUDGE PIERRE N. LEVAL, U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT
Law Clerk. August 1, 2000 to August 1, 2001

Education

YALE UNIVERSITY

Ph.D., History, December 2000
Winner of the John Addison Porter and George Washington Egleston dissertation prizes

YALE LAW SCHOOL

J.D., June 1999. Senior Editor, *Yale Law Journal*; Judge William E. Miller Prize for the best paper on the Bill of Rights, 1998-1999; Coker Teaching Fellow, 1998-1999; Legal History Fellow, 1998-1999

YALE COLLEGE

B.A., *summa cum laude*, History, May 1994
Phi Beta Kappa; Thomas E. Bergin Prize for Character and Scholarship in the Humanities
John Heinz Memorial Government Service Fellowship

Books

The American Fund: A Story of Money and Politics in America (Simon & Schuster, forthcoming)

[*Lincoln's Code: The Laws of War in American History*](#) (The Free Press, 2012)

Bancroft Prize
Finalist for the Pulitzer Prize in History
American Bar Association Silver Gavel Award
Littleton-Griswold Prize from the American Historical Association
John Phillip Reid Prize from the American Society for Legal History
J. Willard Hurst Award for the Best Work in Sociolegal Legal History
New York Times Notable Book for 2012
New York Times Book Review Editor's Choice
Kirkus Reviews Best Nonfiction of 2012

[*Patriots and Cosmopolitans: Hidden Histories of American Law*](#) (Harvard University Press, 2007)

[*The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law*](#) (Harvard University Press, 2004)

William Nelson Cromwell Prize from the American Society for Legal History
J. Willard Hurst Book Prize from the Law and Society Association
Thomas J. Wilson Prize at Harvard University Press
Firestone Library Noteworthy Book in Industrial Relations and Labor Economics
Chinese edition, Lei Tian, trans., Shanghai Joint Publishing Co., 2008

Edited Books

To Save the Country: The Lost Martial Law Manuscript of Francis Lieber (Yale University Press, forthcoming 2017) (with Will Smiley)

Casebooks

[*Torts: Cases, Principles, and Institutions*](#) (CALI, 2nd edition, 2016)

Articles

“Strategy and Entailments,” [*Daedalus*](#) (forthcoming 2017) (with Laura Savarese)

"Ives and MacPherson: Judicial Process in the Regulatory State," 9 *Journal of Tort Law* 43 (2016)

["Constraint, Authority, and the Rule of Law in a Federal Circuit Court of Appeals,"](#) 85 *Fordham Law Review* 3 (2016)

["Modernism and Antimodernism in the Federal Courts: Reflections on the Federal District Court for the District of Connecticut on the 100th Anniversary of Its New Haven Courthouse,"](#) 48 *Conn. L. Rev.* 219 (2015)

["Civil War Historians and the Laws of War,"](#) 4 *Journal of the Civil War Era* 159 (2014)

["The Dismal History of the Laws of War,"](#) 1 *U.C. Irvine L. Rev.* 895 (2012)

["War and Law in America,"](#) 115 *American Historical Review* 768 (2010)

["Form and Substance in the Law of Counterinsurgency Damages,"](#) 41 *Loyola Law Review* 1455 (2008)

["The Metaphysics of Mind and the Practical Science of the Law,"](#) 26 *Law & History Review* 161 (2008) (with Sarah A. Seo)

["Contingency, Immanence, and Inevitability in the History of Accident Law,"](#) 1 *Journal of Tort Law* (no. 2, 2007)

["Empire and the Crisis of the Legal Frame \(Will the Real British Empire Please Stand Up?\),"](#) 120 *Harvard Law Review* 754 (2007)

Winner of The Green Bag's "Exemplary legal writing" prize, 2007

["Bureaucratic Legalism, American Style,"](#) 56 *DePaul Law Review* 261 (2007)

["The Long History of State Constitutions and American Tort Law,"](#) 36 *Rutgers Law Journal* 1159 (2005)

["The Internationalist Beginnings of American Civil Liberties,"](#) 54 *Duke Law Journal* 705 (2004)

["The Inevitability of Aggregated Settlement: An Institutional Account of American Tort Law,"](#) 57 *Vanderbilt Law Review* 1571 (2004) (with Samuel Issacharoff)

["Narrating Bankruptcy / Narrating Risk,"](#) 98 *Northwestern University Law Review* 303 (2003)

["Speedy Fred Taylor and the Ironies of Enterprise Liability,"](#) 103 *Columbia Law Review* 1 (2003)

["Toward a New History of American Accident Law: Classical Tort Law and the Cooperative First-Party Insurance Movement."](#) 114 *Harvard Law Review* 690 (2001)

["From Loss of Services to Loss of Support: The Wrongful Death Statutes, the Origins of Modern Tort Law, and the Making of the Nineteenth-Century Family,"](#) 25 *Law & Social Inquiry* 717 (2000)

["Rethinking the Nineteenth-Century Employment Contract, Again,"](#) 18 *Law & History Review* 627 (2000)

["Making the Fifth: The Constitutionalization of American Self-Incrimination Doctrine, 1791-1903,"](#) 77 *Texas Law Review* 825 (1999)

["The Transformation of Work and the Law of Workplace Accidents, 1842-1910,"](#) 107 *Yale Law Journal* 1467 (1998)

Book chapters

"To Save the Country," in Gary Gerstle and Joel Isaac eds., *States of Exception in American History* (forthcoming.)

"Law, Rights, and the Constitution in the American Civil War," in Ted Widmer, ed., [Disunion: A History of the Civil War](#) (Oxford University Press, 2016)

"Freedom and Restraint," in Ted Widmer, ed., [Disunion: A History of the Civil War](#) (Oxford University Press, 2016)

"On Adopting a Posture of Moral Neutrality," in Bradley Jay Strawser, ed., [Opposing Perspectives on the Drone Debate](#) (Palgrave, 2014)

["Two Conceptions of Suffering in War,"](#) in Austin Sarat, ed., *Knowing the Suffering of Others* (University of Alabama, 2014)

"The Secret History of the Chief Justice's Obamacare Decision," in Persily, Metzger, & Morrison eds., [The Health Care Case](#) (Oxford University Press, 2013)

"The Political Economy of Pain," in Bernstein & Hulsebosch eds., [Making Legal History: Essays in Honor of William E. Nelson](#) (NYU Press, 2013)

[“The Social Histories of International Law,”](#) in William Dodge, Michael Ramsay, & David Sloss eds, *The U.S. Supreme Court and International Law: Continuity or Change?* (Cambridge University Press, 2011)

Popular Press

[“A Hidden Legacy,”](#) *Yale Daily News*, April 5, 2017

[“Fighting Words,”](#) *The New Rambler*, March 6, 2017

[“Symbols and Speech,”](#) *The Chronicle of Higher Education*, Dec. 19 2016 (with Jonathan Holloway)

[“The New Rockefellers,”](#) *Wall Street Journal*, October 16, 2016

[“The Provocative Life of Judge Richard Posner,”](#) *New York Times*, October 7, 2016

[“Senate Republicans and the Supreme Court: Where Is This Headed Exactly?”](#) *New York Times*, February 24, 2016

[“The Biden Speech Fallacy,”](#) *Balkinization Blog*, February 24, 2016

[“Booze and Big Government,”](#) *Wall Street Journal*, December 18, 2015

[“Stephen Breyer’s ‘The Court and the World.’”](#) *New York Times*, September 14, 2015

[“It Happened Here,”](#) *Wall Street Journal*, April 24, 2015

[“How Much Does it Say to Cost to Say ‘I’m Sorry?’”](#) NPR’s Radiolab, December 23, 2014

[“Obama, the Least Lame President?,”](#) *New York Times*, December 21, 2014

[“Debunking a Progressive Constitutional Myth; or, How Corporations Became People, Too.”](#) *Balkinization Blog*, November 15, 2012

[“Freedom and Restraint,”](#) *New York Times*, September 22, 2012

[“The Secret History of the Chief Justice’s Obamacare Decision.”](#) *Balkinization Blog*, June 29, 2012

[“The Legal Fog Between War and Peace.”](#) *New York Times*, June 10, 2012

“All Things Considered on Corporate Personhood,” *National Public Radio*, October 24, 2011
<http://www.npr.org/2011/10/24/141663195/what-is-the-basis-for-corporate-personhood>

“[Lincoln’s Laws of War](#),” *Slate*, February 11, 2009

“[History Lesson: Ye Olde Gitmo](#),” *Slate*, December 9, 2008

“[A Declaration the President Ignores](#),” *Washington Post*, July 4, 2007

“[First, Rename All the Lawyers](#),” *New York Times*, October 24, 2006

“[Tactical Withdrawal: The Easy Way Out for the Supreme Court on ‘Don’t Ask Don’t Tell’](#),”
Slate, December 5, 2005 (with Ariela R. Dubler), <http://www.slate.com/id/2131465/>

“Can Chinese Industry Be Made Safe?,” *The Korea Herald*, May 8, 2004; *The Pakistan Daily Times*, May 8, 2004; *The Jakarta Post*, May 8, 2004; *Taipei Times*, May 10, 2004; *The Singapore Straits Times*, May 7, 2004; *The Bangkok Post* (May 8, 2004)

Entries, Short Reviews, Etc.

Review of Stacy Pratt McDermott, *The Jury in Lincoln’s America* (Ohio University Press, 2012),
in *Journal of American History* (2014) 100 (4): 1201-1202

[Review of Jamie Bronstein, *Caught in the Machinery: Workplace Accidents and Injured Workers in Nineteenth-Century Britain*](#) (Stanford 2008), in *British Journal of Sociology* (June 2011)

[Review of Kal Raustiala, *Does the Constitution Follow the Flag?*](#) (Princeton, 2009), 28 *Law & History Review* 569 (2010)

[Review of Kenneth S. Abraham, *The Liability Century: Torts and Insurance from the Progressive Era to 9/11*](#), in *Law & History Review* (Fall 2009)

[Review of Sally H. Clarke, *Trust and Power: Consumers, the Modern Corporation, and the Making of the United States Automobile Market*](#), in *Law & History Review* (Fall 2009)

“[Elias Hill](#),” in *African American National Biography* (Oxford University Press, 2008)

“[Tort Law](#),” in Stanley N. Katz ed., *The Oxford International Encyclopedia of Legal History* (Oxford University Press, 2009)

[Review of Laura Kalman, *Yale Law School and the Sixties: Revolt and Reverberations*](#) (University of North Carolina Press, 2005), in *New England Quarterly*, September, 2006, pp. 347-49

[“Bureaucratic Legalism, American Style: Private Bureaucratic Legalism and The Governance of Tort System,”](#) 56 *DePaul Law Review* 261 (2006)

[“Internationalism and the Dilemmas of Strategic Patriotism,”](#) 41 *Tulsa Law Review* 787 (2006)

“Workers’ Compensation,” in Eric Arnesen et al. eds., [Encyclopedia of U.S. Labor and Working-Class History](#) (Routledge, 2007) (with Jean-Denis Grèze)

Review of George I. Lovell, *Legislative Deferrals: Statutory Ambiguity, Judicial Power, and American Democracy* (Cambridge University Press, 2003), in 45 *Labor History* 390-92 (2004)

[“Lessons from History: State Constitutions, American Tort Law, and the Medical Malpractice Crisis,”](#) Pew Charitable Trusts Project on Medical Liability in Pennsylvania (March 2004)

“The Federal Employers’ Liability Act,” in *Major Acts in Congress* (Macmillan Publishers 2003)

[“Thinking Historically about American Accident Law,”](#) *Columbia Law Report*, Fall 2002

[“The Klan on Trial,”](#) 106 *Yale Law Journal* 1611 (1997)

Papers and Presentations

“The Switch: The 20th Century Reinvention of American Democracy,” SUNY Albany, April 6, 2017

[“The Radical Roots of *Brown v. Board*: A Blueprint for Modern Constitutional Change,”](#) University of Colorado Boulder, Feb. 23, 2017

[“The Radical Roots of *Brown v. Board*: A Blueprint for Modern Constitutional Change.”](#) Lafayette College, Feb. 16, 2017

“Lincoln in Afghanistan,” The Lincoln Club of Delaware, February 10, 2017

[“The Kerr Lecture: Philanthropy and the Reinvention of American Democracy,”](#) Carnegie Mellon University, February 2, 2017

[Commentator, "Authors Meet Readers: Gautham Rao's National Duties and Karen Tani's States of Dependency -- New Legal Histories of the American State," American Society for Legal History Annual Meeting, October 29, 2016](#)

["The Switch: The Twentieth-Century Reinvention of American Freedom,"](#) Butler University, October 20, 2016

["The Switch: The Twentieth-Century Reinvention of American Freedom,"](#) Hiram College, Thursday, October 13, 2016

"A Liberal Theory of Emergency Constitutionalism," Yale American Constitution Society, October 6, 2016

["The Puzzling Laws of War: From Lincoln to Afghanistan," Dartmouth University, Friday, September 30, 2016](#)

["A New Birth of Freedom: How the Civil War Era Made a New America," Yale for Life, June 6-June 10, 2016 \(with Akhil Amar\)](#)

["James Weldon Johnson, Culture War, and the Roots of Brown v. Board," Law and Society Association, New Orleans, June 3, 2016](#)

"Ideological Origins of the Civil War Amendments," Second Circuit Judicial Conference, Saratoga, NY, May 25, 2016

["The American Fund: A Story of Money and Politics in America," Yale School of Management's "Convening at Yale" series, April 21, 2016](#)

["Weapons of Truth: Money, Propaganda, and Civil Liberties in World War I America," Fulton Lecture, University of Chicago, April 19, 2016](#)

["The American Fund: a History of Money and Politics in America," Columbia Law School Legal Theory Workshop, April 5, 2016](#)

"Equal Protection: Origins and Legacies of the Fourteenth Amendment," Yale Gilder-Lehrman Center, Yale University, March 31, 2016

["Apple versus the FBI,"](#) Yale School of Management, March 7, 2016

["Some Thoughts on Risa Goluboff, Vagrancy, and American Law,"](#) University of Virginia School of Law, February 10, 2016

"Ives and MacPherson: Judicial Process in the Regulatory State," [American Association of Law Schools, Torts Section, January 8, 2016](#)

"The Evolving Role of Law in the U.S. Armed Forces (co-authored with Laura Ford Savarese, J.D. candidate, Yale Law School)," [American Academy of Arts and Sciences Author Workshop New Dilemmas In Ethics, Technology, And War, November 4, 2015](#)

Moderator, "Agencies in American Political Development," [Conference on Administrative Law from the Inside Out, Yale Law School, October 3, 2015](#)

"The Switch: Reinventing American Freedom," [Jefferson Lecture, University of California, Berkeley, September 17, 2015](#)

"Lincoln's Code," Jackson Men's Breakfast Club, September 14, 2015

"The Evolution of the Role of the Law in U.S. Military Organizations," American Academy of Arts and Sciences Author Workshop, June 28, 2015

"Lincoln's Code: The Laws of War in American History," Yale Law School Association of Southern California Tobin Brunch, June 27, 2015

"Two Humanitarianisms: The History of Humanitarian Law," European Union Institute, June 9, 2015

"Freedom and Restraint: Lincoln and the Origins of the Laws of War," Association of Yale Alumni Lecture, May 30, 2015

"To Save the Country," [State of Exception in American History Conference, Cambridge University, May 15, 2015](#)

"Torture, Terror and War: Studying the Law and Ethics of War after a Quaker Education," [Germantown Friends School, May 9, 2015](#)

The Semi-Annual LW403 Lecture, United States Military Academy at West Point, March 25, 2015

"Two Humanitarianisms," Stanford Law School Faculty Workshop, March 18, 2015

"Making Sense of the Laws of War: Three Lessons from Abraham Lincoln," Branford College Fellows Lecture, February 19, 2015

["Lincoln's Code,"](#) Southern Methodist University and the George W. Bush Presidential Library, December 3, 2014

["Law and Responsibility."](#) keynote address at the Yale Law School Graduate Students Conference keynote address, Nov 15, 2014

"Slavery and the Laws of War," New York Historical Society, September-November 2014

[Chair and Commentator, Kitty Preyer Honorary Panel, American Society for Legal History, Denver, Nov 8, 2014](#)

["Modernism and Antimodernism,"](#) Connecticut Celebrates! 100th Anniversary of the Richard C. Lee Courthouse, October 30, 2014

["Slavery and the Laws of War,"](#) New York Historical Society Seminar, Sept. 19-Oct. 24, 2014

"Two Humanitarianisms," Boston College Clough Center for the Study of Constitutional Democracy, Sept. 17, 2014

"What is Law?" Yale Law School New Students Orientation, August 27, 2014

"Lincoln's Code," Yale Law School Alumni, Miami, FL, June 5, 2014

"Neutrality's Discontents: International Law and Its History," History of International Law Workshop, Columbia University, May 26, 2014

"Lincoln and the JAGS: The Origins of the Modern Laws of War," United States Court of Appeals for the Armed Forces, May 21, 2014

"Two Humanitarianisms," Yale Law School Faculty Workshop, April 28, 2014

["Lincoln's Code: The Puzzle of the Laws of War in American History," Abraham Lincoln Institute Annual Symposium, March 22, 2014](#)

"Lincoln's Code," [Center for Liberal Arts and Free Institutions at UCLA](#), March 13-15, 2014

"From Gettysburg to Guantanamo: 150 Years of the Lieber Code, Columbia Law School, Nov. 21, 2013

Chair, "Civil Liberties Law and the Administrative State, 1930-1950," [American Society for Legal Historians Annual Conference](#), Nov. 8-9, 2013

"Lincoln's Code and the Laws of War," [The Lincoln Forum Annual Symposium](#), Nov. 8, 2013

Keynote Address, [Southern Historical Society Annual Meeting, St. Louis, MO, Nov. 1, 2013](#)

“Constructing the Story of the Union Blockade, 1861-1865: A Case Study in the Tactical Utility of International Law,” [Engaging the Writings of Martti Koskenniemi 2013 Laura H. Carnell Chair Workshop](#), Temple University, April 12, 2013

[“Lincoln’s Code,” Library of Congress Center for the Book](#), April 9, 2013

[“Emancipation: The Moral Pivot of American History,” Gilder-Lehrman Center for the Study of Slavery, Resistance, and Abolition, Yale University, April 8, 2013](#)

“Lincoln’s Code,” International Security Studies and Grand Strategy Lecture, Yale University, April 2, 2013

[Seminar Leader on “The Supreme Court in the Age of Holmes and Brandeis,” New York Historical Society, February 7, 2013](#)

[“Creating War Crimes,” Panelist, Gruber Program for Global Justice and Women’s Rights, Yale Law School, January 29, 2013](#)

“Two Conceptions of Suffering in War,” Fordham Law School Faculty Workshop, January 17, 2013

["Law and the Modern American Warfare State," Moderator, American Society for Legal History Annual Meeting, November 9, 2012](#)

“Two Conceptions of Suffering in the Laws of War,” Harvard Law School International Law Workshop, November 1, 2012

“Emancipation's Hidden Legacy: Lincoln and the Laws of War,” [Proclaiming Emancipation Symposium, University of Michigan, October 26, 2012](#)

[“Lincoln's Code: The Laws of War in American History,” Yale Law Library Book Talk: October 23, 2012](#)

[“Sherman at Atlanta: The Moral Structure of the Laws of War,”](#) Project on War and Security in Law, Culture and Society, Emory University School of Law, October 22, 2012

["Lincoln's Code," Center for International & Comparative Law/Center for Law, Ethics, and National Security Lecture, Duke Law School, October 9, 2012](#)

"Lincoln's Code," International Criminal Law Colloquium, Columbia Law School, October 5, 2012

"Lincoln in Afghanistan: The Laws of War and Emancipation's Global Legacy," Sealy Lecture, University of Texas School of Law, October 1, 2012

["The Health Care Case: The Supreme Court's Decision and its Implications," Columbia Law School, September 28, 2012](#)

"The Great Playground Debate: Tort Law and the American Playground," Yale Law School, September 21, 2012

"Connecting Foreign Relations and Domestic Law in the Early Republic," Society for Historians of American Foreign Relations Annual Meeting, June 29, 2012

"Two Humanitarianisms," University of Alabama Law School, March 30, 2012

"Legacies of the Civil War," David Brion Davis Lecture, Gilder Lehrman Center for the Study of Slavery, Yale University, March 29, 2012

"Symposium on G. Edward White," Law in American History, University of Virginia Law School, Feb. 27, 2012

"Schools of Misrule," debate with Walter Olson, Yale Law School Federalist Society, Feb. 22, 2012

"Lincoln's Code," Columbia Human Rights Law Seminar, Feb. 21, 2012

"Lincoln's Code," Stanford Law School Legal History Colloquium, Feb. 6, 2012

"Francis Lieber and the Laws of War," University of Connecticut School of Law Faculty Workshop, Jan. 25, 2012

"Emancipation and the Laws of War," American Association of Law Schools, Jan. 7, 2012

"The Origins of the Modern Laws of War," Yale Law School Annual Meeting at the American Association of Law Schools, Jan. 5, 2012

"Francis Lieber, Abraham Lincoln, and the Laws of War," Yale International History Conference, Nov. 29, 2011

"Drones and Targeted Killings," Yale Law School Federalist Society, Nov. 16, 2011

"Prosecuting Terrorists: Military Commissions," (with Gene Fidell), Yale Law School American Constitution Society, September 28, 2011

“The Civil War and the Law of War,” American Society for International Law, May 18, 2011

“Rules of Wrong: The Crime-War Boundary and the American Invention of the War Crime, 1815-1848,” Stanford Law School Legal Studies Seminar, April 7, 2011

“Inventing the War Crime,” Zocalo Public Square, March 14, 2011

“[Lincoln’s Code: The Puzzling History of the Laws of War](#),” Harvard Law School Legal History Workshop, March 3, 2011

“[Lincoln’s Code: The Puzzling History of the Laws of War](#),” Allen H. Duffy Class of 1960 Inaugural Lecture, Yale Law School, February 28, 2011

“Emancipation and the Laws of War,” Princeton University Politics Department, February 10, 2011

“[Balancing Acts: 20th Century Democracies and Respect for the Law](#),” American Society for Legal History annual meeting, November 19, 2010

“A False Feeling of Mercy: The Laws of War in the Age of Jackson,” University of Michigan Law School, November 8, 2010

“The Future of Gun Control,” Yale Law School Federalist Society, October 2010

“Reflections on the Laws of War in American History,” University of California at Irvine, April 2010

“The Political Economy of Pain,” Conference in Honor of William E. Nelson, NYU School of Law, May 2010

“The Constitution and the Economy,” Seminar at the New York Historical Society, co-leader with James Surowiecki, February to March 2010

“Powers of War and Peace: The Laws of War in Early America,” New York University Golieb History Colloquium, February 16, 2010

Moderator, “The Medical Malpractice Debate,” Yale Law School / American Constitution Society, December 7, 2009

“The Problem of International Law in America,” Yale Law School / American Constitution Society, December 1, 2009

“The Social Histories of International Law,” Santa Clara University, November 6, 2009

“Learned Puffendorffs and Jacksonian Soldiers: The Laws of War in American History,” Yale Human Rights Workshop, September 24, 2009

“Humanity in America,”

Harvard International Law Workshop, October 18, 2008

Yale Law School Faculty Workshop, October 2008

Cornell Public Law Workshop, April 2009

University of Chicago Legal History Workshop, April 2009

New York University Public Law Workshop, October 19, 2009

“Values and Assumptions in American Labor Law,” University of Buffalo, September, 2008

“The Political Economy of Pain,” The Common Good / Brookings conference on The Boundaries of Litigation, April 12, 2008

“The Law of Counterinsurgency Damages,” University of Chicago Public Law Workshop, April 8, 2008

Commentator, Alberico Gentili Conference, New York University School of Law, March 14, 2008

“The Law of Counterinsurgency Damages,” Loyola Law School conference on the Frontiers of Tort Law, January 2008

Patriots and Cosmopolitans, Treasury Executive Institute and United States Department of the Treasury, November 28, 2007

Patriots and Cosmopolitans, George Washington University, April 9, 2007

Patriots and Cosmopolitans, Fordham Law School Faculty Workshop, March 2007

Commentator, “Governing Globalism: The U.S. and the World,” American Society for Legal History, November 17, 2006

“The King and the Dean,” Boalt Hall Faculty Workshop, November, 2006

“The Law of the Erie Canal,” Historical Society of the Courts of the State of New York, October 4, 2006

“The Little Dictatorship of the Plaintiffs’ Lawyer: Rules of Law and the Rule of the Market in American Tort Law,” Clifford Symposium, Depaul University, April 2006

“The Organization of the American Plaintiffs’ Bar,” New York Law School Symposium on the Plaintiffs’ Bar, March 2006

[“The King and the Dean: Melvin Belli, Roscoe Pound, and the Common Law Nation,”](#) Yale Legal History Workshop, January 31, 2006

Commentator, “The Early History of the International Law of Occupation,” Columbia Center for International History, November 18, 2005

[Annenberg Distinguished Speakers’ Series, University of Pennsylvania History Department, October 27, 2005](#)

[“The King and the Dean: Melvin Belli, Roscoe Pound, and the Common Law Nation,”](#)

Columbia History Department Faculty-Graduate Seminar, December 1, 2006

University of California at Berkeley, November 8, 2006

Columbia Law School Faculty Paper Series, September 29, 2005

Stanford Law School Legal Theory Workshop, September 22, 2005

[“Internationalism and the Dilemmas of Strategic Patriotism,”](#) University of Tulsa Legal Scholarship Symposium honoring the work of Nadine Strossen, September 19, 2005

[“The Pyramid and the Machine: James Wilson’s American Founding,”](#) New York University School of Law Legal History Colloquium, August 31, 2005

“An Institutional Account of American Tort Law,” Baldy Center for Law & Social Policy, SUNY Buffalo, Mar. 25, 2005

[“The Internationalist Beginnings of American Civil Liberties,”](#) Yale Legal Theory Workshop, Jan. 27, 2005

[“The Inevitability of Aggregated Settlement: An Account of American Tort Law”](#)

New York Law School Workshop on “Master Trends in the Law,” November 16, 2004

Brooklyn Law School Mass Torts Series, November 22, 2004

Institute for Law and Economic Policy, Miami, April 24, 2004

New York City Torts Group Brown Bag Series, April 7, 2004

Columbia Law School Faculty Lunch Series, April 1, 2004

[“State Constitutions and American Tort Law: A History,”](#) Columbia Law School Public Law and Legal Theory Working Paper 04-67, March 7, 2004

[“Add Women and Stir? The Internationalist Beginnings of American Civil Liberties,”](#) National Women’s History Month Presentation to the Columbia Law Women’s Association, March 2004

[“Crystal Eastman and the Internationalist Beginnings of American Civil Liberties”](#)

Law & Society Association Meeting, Las Vegas, June 2005

American Society for Legal History Annual Conference, October 30, 2004

USC Legal Theory Workshop, October 2004

University of Texas Faculty Colloquium, September 2004
UCLA Law School Legal History Workshop, November 20, 2003
Columbia Law School Faculty Workshop, November 6, 2003
Brooklyn Law School Legal Theory Workshop, November 13, 2003
University of Kyoto, May 18, 2004
University of Tokyo, May 19, 2004

“The Passion of William Werner,” Harvard Law School Faculty Workshop, November 17, 2003

“The Accidental Republic: Contingency and Risk in the Making of American Accident Law,”
American Society for Legal History, November 15, 2003

Participant in the Robert Levi Leadership Symposium on Compensation for Victims of
Terrorism, Johns Hopkins University, November 13-14, 2003

“Some Thoughts on Interdisciplinary Legal Scholarship,” Law & Humanities Conference,
Columbia Law School, June 1, 2003

“The Passion of William Werner,” University of Michigan Law School Legal History Workshop,
March 28, 2003

“The Passion of William Werner,” Boston University Legal History Workshop, February 28,
2003

“An Evolutionary History of the September 11th Victim Compensation Fund,” American
Association of Law School, Insurance Section, January 2003

“From Free Labor to Actuarial Risk: Workmen’s Compensation and the Statistical Revolution in
American Law,” American Society for Legal History, November 2002

“Some Historical Thoughts on the Appearance of Distributive Justice in American Tort Law,”
Law and the Disappearance of Class in Twentieth-Century America Conference, University of
Pennsylvania Law School, November 2002

“Accidents and the Statistical Revolution in American Law,” Columbia Law School Society for
Law and Ideas, November 2002

“The Passion of William Werner,” Columbia Law School Faculty Retreat, October 2002

“[Workmen's Compensation and the Logics of Social Insurance](#),” Columbia Law School, Pub. Law
Research Paper No. 02-41, April 2002

“[Workmen’s Compensation and the Logics of Social Insurance](#),” New York University Legal
History Colloquium, April 2002

“Commentary on Douglas Hay, ‘Master and Servant in the British Empire,’” Columbia Law School Legal History Series, April 2002

“Accident Law, the Family Wage, and the Gendered Structure of the American Welfare State,” American Society for Legal History, October 2001

Briefs

[*Boumediene v. Bush*, 128 S. Ct. 2229 \(2008\), Brief of Legal Historians as Amici Curiae](#)

Ramroop v. Flex-Craft Printing, Inc., 896 N.E.2d 69 (N.Y. 2008), Brief of New York Labor and Employment Law Professors as Amici Curiae

[*FAIR v. Rumsfeld*, 547 U.S. 47 \(2006\), Brief Amici Curiae of 56 Columbia Law School Faculty Members](#)

Fellowships and Honors

Distinguished Lecturer of the American Historical Association

The Society of American Historians, 2015-

Fellow, American Academy of Arts & Sciences, 2014-

Organization of American Historians Distinguished Lecturer, 2013-

Guggenheim Fellow, 2010-11

Visiting Lecturer, University Of Tokyo, May 2004

Samuel I. Golieb Research Fellow In Legal History, 1999-2000, New York University School Of Law

Littleton-Griswold Fellowship, American Historical Association, 1999-2000

Larry J. Hackman Research Residency, New York State Archive Partnership Trust, 1999-2000.

Legal History Fellow, Yale Law School, 1998-1999

John M. Olin Fellow, Yale Law School Center For Law And Economics, August 1998

Coker Fellow and Assistant-in-Instruction to Professor Jed Rubenfeld, Yale Law School, Fall 1998

Teaching Fellow, Yale University Department Of Political Science, Professor Rogers Smith, Spring 1998

Professional Service

Chair, [Yale University Committee to Establish Principles on Renaming](#)

Phi Beta Kappa Visiting Lecturer, 2016-2017

Board of Directors, Yale Law Journal Company, May 2011- present

Commissioned to co-author (with Robert Post) the Oliver Wendell Holmes Devise History of the United States Supreme Court volume on the William Howard Taft Court

Academic Advisory Board, New-York Historical Society Institute for Constitutional History, 2007-

Editorial Board, Law and History Review

Editorial Board, Law & Social Inquiry

Co-director, Columbia Law School Program in Legal History (with Ariela Dubler), 2001-2009

Chair of the Program Committee for the American Society for Legal History, 2006 Annual Meeting

Publications Committee, American Society for Legal History

Co-organizer (with William E. Forbath) of “Empire, Human Rights, and Transnational Contexts in the History of American Law,” conference held October 28, 2004 at the University of Texas School of Law

Editorial Board Member of *Labor History*, 2003-2007

Program Committee for the American Society for Legal History, 2005 Annual Meeting

Program Committee for the American Society for Legal History, 2003 Annual Meeting

Bar Admission

New York

Other Services

Board of Directors, Yale Law School Early Learning Center, 2012-2015

Board of Directors, Calvin Hill Preschool, 2012-2015