

JOHN FABIAN WITT

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New Haven, CT 06520-8215
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Positions**YALE LAW SCHOOL**

Allen H. Duffy Class of 1960 Professor of Law, February 2010 to present
Head of College, Davenport College, July 2017 to July 2022
Guggenheim Fellow, 2010 to 2011
Professor of History, July 2009 to present
Professor of Law, January 2009 to 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

HARVARD LAW SCHOOL

Visiting Associate Professor of Law, 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; all Honors grades

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 Radical Fund: How a Band of Visionaries and a Million Dollars Upended America (Simon & Schuster, 2025)
American Bar Association Silver Gavel Award Finalist
Inside Philanthropy Book of the Year, Ezra Klein Show Recommended Book for 2025, *Washington Post* most anticipated release for Fall 2025, and editor's pick at *Air Mail* magazine
Reviews in the *Los Angeles Times*, the *New York Times*, the *Wall Street Journal*, *Dissent*, and elsewhere
Symposia in Balkinization Blog and HistPhil Blog

American Contagions: Epidemics and the Law from Smallpox to COVID-19 (Yale University Press, 2020)
Reviews in *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *American Historical Review*, *Law & Society Review*, *Law & Politics Book Review*, *Journal of American Studies*, *Kirkus*, *Health Affairs*, and the *Yale Daily News*, among others

To Save the Country: A Lost Treatise on Martial Law (Yale University Press, 2019) (with Will Smiley)
Reviews in *Law & History Review* and *Jus Gentium: Journal of International Legal History*

Lincoln's Code: The Laws of War in American History (Simon & Schuster / 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)
Reviews in *American Historical Review*, *Harvard Law Review*, *Journal of American Studies*, *The Historian*, *Law & Social Inquiry*, *Choice*, and *Washington Lawyer*, among others

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

Casebooks

Torts: Cases, Principles, and Institutions (CALI, 7th ed. 2025) (with Karen Tani)

Torts and Regulation: Cases, Principles and Institutions (CALI, 3d ed. 2023)

Articles

“Power Not Rights: The Lost Pre-History of *Brown v. Board*” (in draft)

“Products’ End: The Coming Waiver Revolution in Products Liability Law” (in draft)

“Foreseeability Conventions,” 44 *Cardozo L. Rev.* 1075 (2023) (with Morgan Savage)

“Garland’s Million; or, the Tragedy and Triumph of Legal History,” 40 *Law & History Review* 123 (2022)

“Movement Capture or Movement Strategy? A Critical Race History Exchange on the Beginnings of *Brown v. Board*,” 31 *Yale J. Law & Hum.* 520 (March 2021) (with Megan Ming Francis)

“The Fourteenth Amendment as an Ending,” 10 *Journal of the Civil War Era* 5 (2020) (with Lisset Pino)

“Inventing the War Crime: An Internal Theory,” 60 *Virginia Journal of International Law* 52 (2020) (with Jessica Laird)

“Contract’s Revenge: the Waiver Society and the Death of Tort,” 41 *Cardozo Law Review* 1265 (2020) (with Ryan Martins & Shannon Price)

“Tort as Private Administration,” 105 *Cornell Law Review* 1093 (2020) (with Nathaniel Donahue)

“The Czar and the Slaves: Two Puzzles in the History of International Arbitration,” 113 *American Journal of International Law* 535 (2019) (with Bennet Ost diek)

“A Lost Theory of American Emergency Constitutionalism,” 36 *Law & History Review* 551 (2018)

“Form and Substance in the Law of Counterinsurgency Damages,” 41 *Loyola Law Review* 1455 (2008)

“Contingency, Immanence, and Inevitability in the History of Accident Law,” 1 *Journal of Tort Law* (no. 2, 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

“Antagonists and Enablers: The Tragic Dance of Biden and the Supremes,” in Julian Zelizer ed., *The Presidency of Joseph R. Biden: A First Historical Assessment* (Princeton University Press, 2026)

“The View from the U.S. Leviathan: Histories of International Law in the Hegemon,” in Randall Lesaffer & Anne Peters eds., *The Cambridge History of International Law*, vol. 1 (Cambridge University Press, 2024)

“Two Humanitarianisms in Ambrose Bierce’s ‘An Occurrence at Owl Creek Bridge,’” in LaCroix, Masur, Nussbaum & Weinrib eds., *Cannons and Codes: Law, Literature, and America’s Wars* (Oxford University Press 2021)

“The Law of Salus Populi,” in Meghan O’Rourke ed., *A World Out of Reach: Dispatches from Life under Lockdown* (Yale University Press, Nov. 2020)

“To Save the Country: Reason and Necessity in Constitutional Emergencies,” in Gary Gerstle & Joel Isaac, eds., *States of Exception in American History* (University of Chicago Press, October 2020)

“Foreword,” in Robert W. Gordon, *Taming the Past: Essays on Law in History and History in Law* (Cambridge University Press, 2017) (with Sarah Barringer Gordon)

“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)

Symposium Contributions and Essays

“[The Obsolescence of the Originalism Battles](#),” 36 *Yale J. Law & the Humanities* 541 (2026)

“[Hermeneutics in History](#),” 13 *Texas A&M L. Rev.* 707 (2025)

“[Weaponized from the Beginning](#),” 4 *J. Free Speech Law* 715 (2024)

“[American Contagions: Unexpected Pasts, Unwieldy Presents, and Contested Futures](#),” 18 *U. St. Thomas L.J.* 510 (2022)

“[Tort Law’s New Quarantinism: Race and Coercion in the Age of a Novel Coronavirus](#),” 71 *DePaul L. Rev.* 613 (2022) (with Sierra Stubbs)

“[On Dignity and Danger: The Virus Next Time](#),” *Law & Liberty*, December 15, 2021

“[The Partisan Transformation of American Public Health Law, 1918 to 2020](#),” 111 *Am. J. Public Health* 411 (March 2021)

“[Radical Histories / Liberal Histories in Work Injury Law](#),” 60 *Am. J. Legal Hist.* 564 (Dec. 2020)

“[Jennifer Egan’s Dive for the Inarticulate](#),” 134 *PMLA* (Publications of the Modern Language Association) 412 (2019)

“[For Bob Gordon](#),” 70 *Stanford Law Review* 1681 (2018)

“[Strategy and Entailments: The Enduring Role of Law in U.S. Armed Forces](#),” 146 *Daedalus* 11 (2017) (with Laura Savarese)

[“Adjudication in the Age of Disagreement,”](#) 86 *Fordham Law Review* 149 (2017)

[“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 *Connecticut Law Review* 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)

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

[“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)

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

Popular Press

[“First Let’s Blame the Judges,”](#) *The Nation* (forthcoming 2026) (reviewing Bowie and Renan, *Supremacy*)

[“The Idea that Once Held America Together Died in 2025,”](#) *New York Times*, Dec. 24, 2025

[“How to Save the American Experiment,”](#) *New York Times*, Oct. 6, 2025

[“Free Speech Is the Antitode to Political Violence,”](#) *The New Republic*, Sep. 24, 2025

[“The Unbearable Lightness of Process,”](#) *Balkinization*, November 13, 2024

[“Is the United States Too Devoted to the Constitution?,”](#) *The New Republic*, June 24, 2024

[“The Showdown: FDR vs. the Supreme Court,”](#) *The Nation*, June 27, 2023

[“Lieber at Sand Creek: A New Critical Reinterpretation of the Laws of War,”](#) *Just Security*, March 3, 2023

[“Glacier Gets Tort Law Wrong, Too,”](#) *OnLabor*, Dec. 12, 2022

[“In Jon Meacham’s Biography, Lincoln is a Guiding Light for Our Times,”](#) *Washington Post*, October 24, 2022

[“The Justice Who Wanted the Supreme Court to Get Out of the Way,”](#) *The New Republic*, August 26, 2022

[“The Civil War’s Financial Battles,”](#) *Washington Post*, April 1, 2022 (reviewing Roger Lowenstein, *Ways and Means: Lincoln and His Cabinet and the Financing of the Civil War* (Penguin, 2022))

C-SPAN After Words: [Interview with Randy Barnett & Evan Bernick](#) on The Original Meaning of the Fourteenth Amendment, November 10, 2021

[“Fishing, Not Catching, in the History of the Law,”](#) *Balkinization*, September 20, 2021

[“Oh, the Humanity,”](#) *Just Security*, September 8, 2021

[“America’s Forgotten Civil Rights Movement”](#) *Washington Post*, April 23, 2021 (reviewing Kate Masur, *Until Justice Be Done: America’s First Civil Rights Movement, from the Revolution to Reconstruction* (Norton, 2021))

[“For 100 Years, the Filibuster Has Been Used to Deny Black Rights,”](#) *Washington Post*, March 18, 2021 (with Magdalene Zier)

[“How U.S. Pandemic Restrictions Became a Constitutional Battlefield,”](#) *Foreign Affairs*, Dec. 31, 2020 (with Kiki Manzur)

[“The Wondrous Banality of Democracy,”](#) in *The Yale Review*, November 2020

[“C-Span After Words with Lawrence Gostin,”](#) Oct 26, 2020

[“Republican Judges are Quietly Upending Public Health Laws,”](#) *New York Times*, October 15, 2020

[“Why We Don’t Need COVID-19 Immunity Legislation,”](#) *Balkinization*, Sep. 26, 2020

[“The Law of Salus Populi,”](#) *Yale Review*, March 30, 2020

[“Supremely Divided: How the Republican Party Took Over the Supreme Court,”](#) *The New Republic*, April 7, 2020

[“The Achievements and Compromises of Two Reconstruction-Era Amendments,”](#) *Washington Post*, October 31, 2019

[“The Shrinking Legacy of a Supreme Court Justice: Why Veneration of Oliver Wendell Holmes is in Decline,”](#) *The New Republic*, Oct. 2019

[“Slouching Back to Calhoun,”](#) *Yale Daily News*, Sept. 2, 2019

[“A Debate over Politics, Principles, and Impeachment—in 1868,”](#) *Washington Post*, May 24, 2019

[“Elite Colleges Don’t Understand the Business They’re In,”](#) *The Atlantic*, March 15, 2019

[“Trump’s Farcical National Emergency Plan Should Fail – but it Might Not,”](#) *Slate*, January 8, 2019

[“National Emergencies, Then and Now,”](#) *Balkinization*, January 7, 2019

[“The Operative: How John Marshall Built the Supreme Court around His Political Agenda,”](#) *The New Republic*, January 7, 2019

[“Democrats Need a Plan B for the Supreme Court,”](#) *Washington Post*, July 27, 2018 (with Ian Ayres)

[“Bomber Harris and the Haspel Nomination,”](#) *Balkinization Blog*, May 9, 2018

[“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 Radiolab*, December 23, 2014
- “Obama, the Least Lame President?,” *New York Times*, December 21, 2014 (with Ian Ayres)
- “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

“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)

Lectures and Presentations

“Fifty Years of Legal Historiography,” *American Society for Legal History, Banff, November 13, 2026*

“Making War,” *Institute for Constitutional History at New York Historical, New York, NY, November 6 to December 11, 2026 (with Matthew Waxman)*

McCorkle Lecture, University of Virginia Law School, Charlottesville, October 22, 2026

The Radical Fund: A Discussion at the Freedom Together Foundation, New York, NY, September 29, 2026

“Civil Society and Constitutional Crisis,” *Yale Young Global Scholars, New Haven, June 30, 2026*

“The Radical Fund,” *Marguerite Casey Foundation Common Read, Grand Rapids, Michigan, June 11, 2026*

“The U.S. Constitution,” *Warrior Scholar Project for Veterans in Higher Education, New Haven, June 9, 2026*

“Presidents and Social Movements: Abraham Lincoln, Franklin Roosevelt, and the Worlds that Made Them,” 2026 Abraham Lincoln Lecture on Constitutional Law, Northwestern Pritzker Law School, Chicago, Illinois, March 4, 2026

“War and Liberty: A Hidden Story of Money, Justice, and Power from the Aftermath of World War One,” *World War One Museum, Kansas City, Mo., February 26, 2026*

Academic Exchange, Moderator: “Israel and the Palestinian Authority,” *Tel Aviv, December 15-22, 2025*

“The Radical Fund and the Making of 20th-Century Liberalism,” *The Honorable Arlin M. Adams Lecture, University of Pennsylvania, Philadelphia, Pa., October 21, 2025*

“The Radical Fund,” Book Talks and Lectures

University Lecture, Wesleyan University, April 7, 2026; Yale Program on Civic Thought, March 5, 2026; New Haven LEAP Dinner, February 28, 2026; National World War One Museum and Memorial, Kansas City, Missouri, February 19, 2026; College Preparatory School, Oakland, California, February 6, 2026; Stanford Law School, February 5, 2026; Branson School, Marin, California, February 5, 2026; Shabtai, New Haven, Connecticut, February 2, 2026; Boston University Law School, January 21, 2026; Greenwich Breakfast Association, January 7, 2026; Harvard Book Store, Cambridge, Mass., December 9, 2025 (with Noah Feldman); Friends Free Library, Philadelphia, Pa., December 4, 2025; Germantown Friends School, Philadelphia, Pa., December 5, 2025; Possible Futures Bookstore, New Haven, December 3, 2026 (with Kica Matos); Fraser Center at Wayne State University, Detroit, Mich., November 12, 2025; NYC Legal History Group, New York, NY, October 30, 2025; Yale Library Book Talk, New Haven, CT, October 29, 2025 (with James Forman); Politics and Prose Bookstore, Washington, DC, October 16, 2025 (with David Cole); New York Historical, New York, NY, October 14, 2025 (with David Blight), Program in Law & Public Policy, Princeton University, October 1, 2025

Remarks on Amar, *Born Equal*, Rosenkranz Originalism Symposium, New Haven, September 19, 2025
[anticipated]

“[The Fate of the American Constitution, 1787-1937](#),” Gilder Lehrman Institute of American History Lectures, June 2025 to September 2025

“The U.S. Constitution,” Warrior Scholar Project for Veterans in Higher Education, New Haven, June 10, 2025

“The Garland Fund: Liberal Funding Before the Professional Managerial Class,” American Law Institute Conference on Nonprofit Law, Philadelphia, Pa., June 3, 2025

“The Coming Irrelevance of Originalism?,” Yale Journal of Law & the Humanities symposium on Jonathan Gienapp’s *Against Constitutional Originalism*, New Haven, Connecticut, April 11, 2025

Remarks on Waxman, *The Fighting Constitution*, Columbia Law School, New York, NY, April 4, 2025

“A First Draft History of Biden and the Supremes,” Mitchell Lecture, University of Buffalo, Buffalo, NY, March 14, 2025

“Lincoln in Gaza: An American-Centric Historical View of LOAC,” American Academy of Arts & Sciences, Cambridge, Mass., March 5, 2025

“Hermeneutics in History,” Texas A&M Law Review Symposium on History and Memory in Constitutional Interpretation, Fort Worth, Texas, February 28, 2025

“Antagonists and Enablers: The Tragic Dance of Biden and the Supremes,” Conference on the Presidency of Joseph R. Biden, Princeton, N.J., February 21, 2025

Chair, “Citizenship Reimagined: Legal Frameworks and Historical Contexts,” American Society for Legal History, San Francisco, California, October 26, 2024

“The U.S. Constitution,” Warrior Scholar Project for Veterans in Higher Education, New Haven, June 5, 2024

“The Value of Judicial Integrity,” Celebration of the Honorable Pierre Leval, New York University School of Law, New York, May 26, 2024

“Looking Back at Calhoun (and Hopper),” Yale College Reunion Remarks, Grace Hopper College, New Haven, May 24, 2024

“Taxing Garland’s Million,” NonProfits Conference, Columbia Law School, New York, May 14, 2024

“Is the Law on Your Side?,” Yale Global Executive Leadership Program, Yale School of Management, May 9, 2024

Response to the Critics, Manuscript Conference on The Radical Fund, Georgia State Law School, Atlanta, May 6, 2024

Keynote Conversation, The Taft Court: Making Law for a Divided Nation, New York University School of Law, New York, April 20, 2024

“See the Millennium: A History of the Garland Fund,” University of Chicago Public Law Workshop, January 30, 2024

“American Legal Thought in Three Big Ideas,” Yale Foundations of American Legal Thought Series, January 17, 2024

Commentator, “Law, History, and Political Economy,” American Society for Legal History, Philadelphia, October 28, 2023

Discussant, Conference in Honor of Sarah Barringer Gordon, University of Pennsylvania School of Law, October 26, 2023

“See the Millennium: The Social Democratic Roots of Brown,” Yale Law School Legal History Forum, New Haven, September 26, 2023

“The Broken Constitution,” New York City Bar Association, New York, NY, May 17, 2023

Commentor, “Becoming Equal: American Law and the Rise of the Queer Family,” Manuscript Workshop, Wake Forest School of Law, Winston-Salem, NC, May 9, 2023

Commentor, “U.S. Legal History Roundtable,” American Bar Foundation, Chicago, Illinois, May 5, 2023

“Turmoil at the Supreme Court: The Uncertain Future of the Nine,” St. Thomas More Lecture, Yale College Conservative Party, April 28, 2023

“Felix Frankfurter as Go-Between,” Touro Law Center Conference on the Life, Work, and Legacy of Felix Frankfurter, Long Island, NY, April 19, 2023

“Formalisms in Historical Perspective,” Foundations in American Legal Thought Lecture Series, Yale Law School, February 1, 2023

“A Conversation with Suzanne Nossel of PEN America: Free Speech on Campus and in the World,” Shabtai, New Haven, CT, January 25, 2023

“Rehearsal for the Liberal State: The Labor Injunction and the Garland Fund,” American Society for Legal History,” Chicago, November 12, 2022

“[Democracy’s Futures: The Pandemic and Its Consequences](#),” with Danielle Allen, Ashraf Ahmed, and Seyla Benhabib, Columbia University, September 15, 2022

“[American Contagions: Epidemics and the Law from Smallpox to COVID-19](#)”, [Legal Histories of Disease](#), Center for Law & History, Stanford Law School, April 29, 2022

“[Lies, Free Speech, and the Law: Weaponized from the Beginning](#),” Knight First Amendment Institute at Columbia University, April 8, 2022

“Weaponized from the Beginning: Propaganda and the First Amendment,” Temple Law School, April 6, 2022

“Foreseeability Conventions,” Notre Dame Law School, South Bend, Indiana, February 23, 2022

“Garland’s Million: The Tragedy and Triumph of Legal History,” [American Society for Legal History Plenary Address](#), New Orleans, Louisiana, November 6, 2021

“The Arc of the Rule of Law and the Reconstruction Amendments,” Mark R. Kravitz Symposium, Connecticut Bar Foundation, October 28, 2021

“American Contagions: A Legal History,” District of Connecticut Judicial Conference, Old Saybrook, Connecticut, October 22, 2021

“Vaccine Mandates and the Law,” Sir Robert Lowe Memorial Luncheon, Yale College Independent Party, October 1, 2021

“Epidemics in U.S. Constitutional History,” Annual Nolan Fowler [Constitution Day Lecture](#), Tennessee Tech, Cookeville, Tennessee, September 13, 2021

Guest Host, [Digging a Hole: The Legal Theory Podcast](#), season 3, episode 1, September 7, 2021

“[The Laws of Armed Conflict: A Historical View](#),” U.S. Army Heritage & Education Center, Carlisle Barracks, Carlisle, Pennsylvania, June 17, 2021

“Tort Law’s New Quarantinism,” [DePaul University Clifford Symposium](#), Chicago, Illinois, June 4, 2021 (with Sierra Stubbs)

“Epidemics & the Constitution: A Contested History,” Yale College Reunions Lecture, New Haven, Connecticut, May 21, 2021

“American Contagions: Unexpected Pasts, Unwieldy Presents, and Contested Futures,” keynote lecture, [Preparing for the Next Pandemic: Learning from the Past and the Present](#), University of St. Thomas School of Law, Minneapolis, Minnesota, April 22, 2021

“[The Long History of the Coronavirus Crisis](#),” University College London, March 22, 2021

“[American Contagions: A Legal History of Epidemics](#),” University of Southern California, Center for Law, History, and Culture, Feb 3, 2021

“Author Meets Readers,” Judicial Studies Program at the University of Reno, January 6, 2021

How Pandemics Have Shaped the Law, KPFA Radio, December 2, 2020

Appearance on Boston Public Radio, November 17, 2020

Appearance on Wisconsin Public Radio, November 17, 2020

Yale Law School Class of 1998 Book Event on James Copland’s *The Unelected*, Nov 16, 2020

“[Scrambling the New Sanitarian Synthesis: Civil Liberties and Public Health in the Age of COVID-19](#),” University of Chicago Legal Forum Symposium: Law for the Next Pandemic, November 6, 2020

“American Contagions: A History,” The Yale Club of New York City, October 21, 2020

“[COVID, Executive Powers, Emergency Powers, and Civil Liberties](#),” Virtual COVID-19 Workshop, Solomon Center for Health Law & Policy, October 21, 2020

“James Weldon Johnson’s Radical Philanthropy,” Fordham Law School Faculty Workshop, October 1, 2020

“How to Make Law with Ideas,” Yale Law School Orientation Program, August, 2020

“American Contagions,” The Legal History of Epidemics: A Colloquium, David Berg Foundation Institute for Law & History, Buchmann Faculty of Law, Tel Aviv University, Monday, May 25, 2020

“Salus Populi,” a 5-Part Panopto Lecture, Yale Law School, April 2020

“The Radical Roots of Brown v. Board,” Yale Law School Faculty Workshop, Zoom, March 31, 2020

“Tort as Private Administration,” Yale Law School Center for Private Law, February 11, 2020 (with Nathaniel Donahue)

“Garland’s Million: The Radical Experiment to Save American Democracy,” NYU Legal History, January 27, 2020

“Formalism and Realism,” Yale Law School Foundations of Legal Thought Series, January 15, 2020

“Is the Law on Your Side?,” Yale Global Executive Leadership Program, Yale SOM, December 11, 2019

“James Weldon Johnson’s Radical Philanthropy,” Chicago / Northwestern Legal History Workshop, October 23, 2019

“Tort as Private Administration,” American Bar Foundation Research Seminar, Chicago, Illinois, October 23, 2019

“Social Histories of the Twentieth-Century Constitution” (with Jamal Greene), New York Historical Society, Sept. 20, Oct. 4, Oct. 18, and Nov. 1, 2019

“To Save the Country: National Emergencies from Lincoln to Trump,” Robert Ferguson Memorial Lecture, Columbia University, March 28, 2019

“Formalism and Realism,” Yale Law School Foundations of Legal Thought Series, January 15, 2020

Confronting the History and Memory of Injustice in the Public Square, American Association of Law Schools, New Orleans, January 5, 2019

“To Save the Country: Reason and Necessity in Constitutional Emergencies,” Vanderbilt University Legal History Workshop, January 7, 2019

“Comment on John Goldberg and Benjamin Zipursky, Recognizing Wrongs,” Harvard University Safra Center for Ethics, December 11, 2018

“Habeas Corpus from the Tower to Guantanamo Bay: A Comment on Amanda Tyler,” American Society for Legal History, Houston, November 9, 2018

“To Save the Country: Francis Lieber and the Lost Lieber Manuscript,” United States Military Academy at West Point, October 29, 2018

“What Should Democrats Do About the Court?,” American Constitution Society, Yale Law School, October 25 (with Ian Ayres), 2018

“To Save the Country: Reason and Necessity in Constitutional Emergencies,” University of Southern California Law School Faculty Workshop, October 18, 2018

“The Fund: James Weldon Johnson, Brown v. Board, and the Remaking of American Democracy,” University of Southern California, Center for Law, History, and Culture, October 18, 2018

“Torts as Private Administration,” MDL at 50: The 50th Anniversary of Multidistrict Litigation, New York University, October 12, 2018

“To Save the Country,” Conference on States of Exception in American History, University of Chicago, May 22, 2018

“An Invisible College,” Commencement Address Davenport College, May 21, 2018

“Epistemic Institutions of the 1920s,” Yale MacMillan Center Conference on the 1920s, Apr. 13, 2018

Panelist, “The Fourteenth Amendment as an Ending,” Many 14th Amendments, University of Miami Law School, Mar. 1–3, 2018

“Two Humanitarianisms in Ambrose Bierce’s ‘An Occurrence at Owl Creek Bridge,’” War in Law and Literature Conference, University of Chicago Law School, Feb. 23, 2018

“The Fund: A Story of Money and Democracy in America,” Legal History Workshop, Harvard Law School, Feb. 15, 2018

Chair and Panelist, “The Common Law Tradition,” Conference on Robert Gordon’s book, *Taming the Past*, Stanford Law School, Jan 13, 2018

“The American Fund: A Story of Money and Politics,” Stanford Philanthropy and Civil Society Faculty Forum, Jan. 11, 2018

Expert Witness, University of Pennsylvania Inns of Court Mock Trial: *United States v. Robert E. Lee*, Nov. 9, 2017

Commentator, “Author Meets readers: Laura Weinrib’s *The Taming of Free Speech: America’s Civil Liberties Compromise*,” American Society for Legal Historians, Oct. 27, 2017

The Art of Legal History, Yale College Mellon Forum, October 11, 2017

“The Fund: A Story of Money and Politics in America,” ACS Progressive Scholarship Workshop, September 28, 2017

Yale College Forum on Deferred Action for Childhood Arrivals, September 6, 2017

“Can Law Restrain War?,” Plenary Session of the Society for Historians of American Foreign Relations, Washington, D.C., June 22, 2017

“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 (with Melvin Urofsky)

“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 (with Benjamin Barton and Philip Howard)

“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

Davenport College Teas

“Katherine Lustman and the History of Davenport College: A Portrait Unveiling,” celebrating the first woman to serve as master of a Yale residential college, April 12, 2022

“The NFL Players’ Association,” with DeMaurice Smith, president of the NFLPA, April 7, 2022

“Admiral Hyman Rickover and the Nuclear Navy,” with author Marc Wortman, March 2, 2022

“The New Political Economy,” with journalist Nicholas Lemann, February 17, 2022

“Immigrant History Initiative,” with immigration activists Kathy Lu & Julia Wang, October 6, 2021

“A Conversation on Black Leopard, Red Wolf,” with novelist Marlon James, poet Dwayne Betts, and student Onyiah Onuoha, April 21, 2021

“A Beginner’s Guide to America,” with the writer Roya Hakakian, March 24, 2021

“Governing in the City,” with Kevin Alvarez of the New Haven mayor’s office, March 10, 2021

“Three Equations of Happiness,” with Arthur Brooks of the American Enterprise Institute and the Harvard Kennedy School, February 18, 2021

“Fighting for Low-Income First Gen Students: A Davenport Alum in the Trenches,” with student advocate Kimberly Jones, November 11, 2020

“We Hold the Government to Its Word, A Conversation about *McGirt v. Oklahoma*,” with Jeff Fife and Ashleigh Fixico of the Muscogee Nation, and Professor Gerald Torres, November 5, 2020

“Apollo’s Arrow: The Profound and Enduring Impact of Coronavirus on the Way We Live,” with Sterling Professor Nicholas Christakis, November 2, 2020

- “American Contagions: A Legal History of Epidemics,” October 27, 2020
- “Hate and Forgiveness: Reflections from Rwanda,” with anthropologist Louisa Lombard and Rwandan artist Hyppolite Ntigurirwa, October 15, 2020
- “About Breonna Taylor,” with poet Dwayne Betts, October 7, 2020
- “Life in Cable News in the Trump Era,” with CNN commentator Asha Rangappa, September 30, 2020
- “COVID-19 in Connecticut and Beyond,” with Dr. Albert Ko of the Yale School of Public Health, September 2, 2020
- “The National Maternal Mortality Crisis,” with Yale medical school’s Katherine Campbell, March 4, 2020
- “My Journey to the Majors,” with George Lombard, first base coach of the Los Angeles Dodgers, January 16, 2020
- “Opioids in Appalachia,” with filmmaker Elaine McMillion Sheldon, November 7, 2019
- “The Meritocracy Trap,” with Yale Law School’s Daniel Markovits, November 4, 2019,
- “Public Memory and the Age of Trump,” with Adam Serwer of *The Atlantic*, October 21, 2019
- “The New Movement to Transform American Prosecution,” with Emily Bazelon of the *New York Times Magazine*, April 11, 2019
- “Building Justice and Security: A Talk on Community Organizing,” with Egyptian-American activist Rana Abdelhamid, April 5, 2019
- “Health Stories from the Front Lines — The Justice Crisis in American Health Care,” with Njeri Thande of the Yale Medical School, April 3, 2019
- “Environmentalism for a Twenty-First Century,” with Indian environmental economist Pavan Sukhdev, March 6, 2019
- “Is Monday Night Football the American Dream?” with Joe Tessitore of ESPN, February 26, 2019
- “From Yale, to the Cabinet, to China and Beyond,” with Gary Locke, former U.S. Commerce Secretary and Ambassador to China, February 20, 2019
- “The Family Separation Crisis on the Border,” with Efren Olivares of Immigrant Justice Project, February 7, 2019
- “Making Magic on the Radio,” with Kaari Pitkin of WNYC, February 6, 2019
- “A Conversation on *There, There: A Novel*,” with Tommy Orange, January 31, 2019
- “Whose Freedom, Whose Speech? The Future of Campus Free Speech,” with Suzanne Nossell of PEN America, January 23, 2019
- “She Has Her Mother’s Laugh,” a book talk with science writer Carl Zimmer, December 5, 2018
- “A Conversation on *Pachinko*,” with novelist Min Jin Lee, November 29, 2018
- “A Conversation on *The Stones at Yale*,” with artist and author Adam Van Doren, November 7, 2018
- “Can Democracy Survive the Internet?” with Nathaniel Persily of Stanford Law School, October 4, 2018
- “Card Sharks and Con Men” with Maria Konnikova of *The New Yorker*, October 2, 2018

“Women in Finance,” with Carter Simonds of Blue Ridge Capital, September 17, 2018

“Color, Class, and the Conservative Future,” with Reihan Salam of *The National Review*, Apr. 2, 2018

[“Y2Y and Youth Homelessness,” with Sam Greenberg and Sarah Rosenkrantz, Mar. 29, 2018](#)

“The American Century and the Trump Challenge,” with U.S. Ambassador Daniel Fried, Feb. 22, 2018

“A Conversation on *Manhattan Beach*,” with [novelist Jennifer Egan](#), January 30, 2018

“The Effects of Unauthorized Status on Child and Youth Development,” with NYU psychologist Hirokazu Yoshikawa, Jan. 25, 2018

“Writing in Hollywood,” with Chris Keyser of the Writers’ Guild of America West, Oct. 23, 2017

“A Conversation on *Locking Up Our Own*,” with Yale Law School’s James Forman Jr., October 3, 2017

“Grand Strategy,” with professors Julia Adams and Beverly Gage, September 27, 2017

“Asylum Law and Advocacy,” with Conchita Cruz of the Asylum Seeker Advocacy Project, September 13, 2017

Briefs

Brief of Amicus Curiae Legal Scholars in *Cruz v. Spec Personnel, LLC et al.*, Supreme Court of Connecticut, urging the Court to grant plaintiff’s petition to appeal from a novel no-duty determination in the state Appellate Court (with Doug Kysar and Daniel Markovits)

Brief of Legal Scholars in *Platkin v. FSS Armory, Inc.*, Superior Court of New Jersey, Chancery Division, June 2024, arguing that the federal Protection of Lawful Commerce in Arms Act does not preempt a New Jersey firearm nuisance statute

Brief of Legal Scholars in *Platkin v. Arms Unlimited, Inc.*, Superior Court of New Jersey, Chancery Division, October 2024, arguing that the federal Protection of Lawful Commerce in Arms Act does not preempt deceptive marketing claims under a New Jersey consumer protection statute

[Brief of American Historians](#), in *Trump v. Anderson*, U.S. Supreme Court, January 29, 2024 (with Jill Lepore, David Blight, and Drew Gilpin Faust)

Brief of Legal Scholars in *National Shooting Sports Foundation v. Lopez*, D. Hawaii, Sep. 29, 2023

Brief of Legal Scholars in *National Shooting Sports Foundation v. Bonta*, S.D. Cal., July 28, 2023

Brief of Legal Scholars in *National Shooting Sports Foundation v. Ferguson*, E.D. Wash., June 7, 2023

[Brief of Legal Scholars](#), in *National Shooting Sports Foundation v. Attorney General of New Jersey*, United States Court of Appeals for the Third Circuit, April 9, 2023

[Brief of Torts Professors as Amici Curiae in Support of Respondents](#), *Glacier Northwest v. Int’l Brotherhood of Teamsters Local No. 174*, No. 21-1449, November 2022 (with Mark Geistfeld)

[Brief of Legal Historians as Amici Curiae in Support of Respondent, Department of Homeland Security v. Thuraissigiam](#), 2020 WL 416674 (U.S.), January 22, 2020

[Brief of Torts Scholars as Amici Curiae in Support of Respondents in Comcast Corp. v. National Ass'n of African-American Owned Media and Entertainment Studio Networks, 2019 WL 4748379 \(U.S.\), September 27, 2019](#) (with Mark Gergen)

[Gill v. Whitford, 137 S.Ct. 2268 \(2017\), Brief of Historians as Amici Curiae](#)

Soto v. Bushmaster Firearms International, LLC, 2016 WL20625507, Brief of Law Professors as Amici Curiae.

[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](#)

Honors

The Society of American Historians, 2015-

Fellow, American Academy of Arts & Sciences, 2014-

Distinguished Lecturer of the American Historical Association, 2012-

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, Yale Law School, Fall 1998

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

Select Professional Service

Trustee, William Nelson Cromwell Foundation, New York, New York, 2019 to present

Instructor, [Warrior-Scholar Project](#) for Veterans in Higher Education, New Haven, 2022 to present

Pennsylvania Canvas and Pre-Canvas Observer for state attorney general Josh Shapiro in the 2020 General Election, Luzerne County, November, 2020

Co-director, [Yale Law School Program in Legal History](#), July 2009 to present

Yale University Press Publications Committee, July 2024 to present

Chair, William Nelson Cromwell Foundation Article Prize Committee, 2023 to present

Honors Committee, American Society for Legal History, 2022 to 2025

[Head of Davenport College](#), Yale University, July 2017 to May 2022

Special advisor to Yale & Slavery Research Project, 2021

John Phillip Reid Book Award Committee, American Society for Legal History, 2019-2022

Littleton-Griswold Book Prize Committee, American Historical Association, 2017-2020

Advisory Committee on the Cromwell Prizes, American Society for Legal History, 2015-2018

Chair, [Yale University Committee to Establish Principles on Renaming](#), Fall 2016

Phi Beta Kappa Visiting Lecturer, 2016-2017

Board of Directors, Yale Law Journal Company, May 2011- 2016

Academic Advisory Board, New-York Historical Society Institute for Constitutional History, 2007-2010

Editorial Board, Law and History Review, 2006-2012

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, 2004-2007

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 Service

Co-convenor, Yale Legal Theory Workshop, 2026-2027

Convenor, Yale Law School Faculty Workshop, Spring Term 2024

Editor of The Waiver Society Project, at <https://www.waiversociety.org/>

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

Board of Directors, Calvin Hill Preschool, 2012-2015

Select Ph.D. Students Advised

Jenné Ayers, JD Yale / Ph.D Yale, in progress
Beck Boorstein, JD Chicago / Ph.D Yale, Faculty Fellow at the University of Michigan
Gregory Briker, JD / Ph.D Yale in progress, law clerk, U.S. Court of Appeals for the D.C. Circuit
Zachary Brown, JD / Ph.D Yale, law clerk, U.S. Court of Appeals for the 9th Circuit
Christian Burset, JD / Ph.D Yale, Professor of Law, University of Pennsylvania
Nathanial Donahue, JD / Ph.D Yale in progress, Associate Professor of Law, NYU School of Law
Kellen Funk, JD Yale / Ph.D Princeton, Professor, Columbia Law School
Marie-Amelie George, JD Columbia / Ph.D Yale, Professor of Law, Wake Forest
Maeve Glass, JD Columbia / Ph.D Princeton, Associate Professor, Columbia Law School
Allison Mileo Gorsuch, JD / Ph.D Yale, Assistant U.S. Attorney, Chicago
Jelani Hayes, JD Yale / Ph.D Harvard, in progress
Henry Ishitani, JD / Ph.D Yale, faculty fellow, University of Tulsa
Avery Johnson Tagaki, JD Michigan / Ph.D Yale, in progress
Kevin Keller, JD Harvard / Ph.D Yale, Associate Professor, UM-KC Law School
Jeremy Kessler, JD / Ph.D Yale, Stanley H. Fuld Professor of Law, Columbia Law School
Gabriel Levine, JD Yale / Ph.D Princeton, Institute for Policy Integrity at NYU
Ananya Augustin Malhotra, JD Yale in progress / Ph.D Yale in progress
Maria Guadalupe Martínez Alles, JSD Yale, Professor of Law, University of Denver Law School
Kate Redburn, JD / Ph.D Yale, Associate Professor, Columbia Law School
Noah Rosenblum, JD Yale / Ph.D Columbia, Associate Professor, NYU School of Law
Laura Savarese, JD / Ph.D Yale, Assistant Professor, Michigan State University
Sarah Seo, JD Columbia / Ph.D Princeton, Professor of Law, NYU School of Law
Will Smiley, JD Yale / D. Phil. Cambridge, Associate Professor, University of New Hampshire
Eric Stephen, JD Yale / Ph.D Harvard, Assistant Professor, University of South Florida
Alexander Zhang, JD / Ph.D Yale, Assistant Professor, University of Texas School of Law