

**MICAH J. SCHWARTZMAN**  
University of Virginia School of Law  
580 Massie Road  
Charlottesville, VA 22903  
mjs4d@virginia.edu  
(434) 924-7848

**EMPLOYMENT**

**UNIVERSITY OF VIRGINIA SCHOOL OF LAW**, Charlottesville, VA

*Edward F. Howrey Professor of Law*, Aug. 2013 – present

*Professor of Law*, Aug. 2012 – present

*Associate Professor of Law*, May 2007 – Aug. 2012

Courses Taught: Constitutional Law; Constitutional Law II: Religious Liberty; Constitutional Theory; Advanced Topics in the First Amendment; Religion, Democracy, and Law; Legal Theory; Textualism & Its Critics; Seminar in Ethical Values

Carl McFarland Prize, 2013 (awarded annually to junior faculty member for outstanding research)

**UCLA SCHOOL OF LAW**, Los Angeles, CA

*Visiting Professor of Law*, Jan. – May 2013

**SOCIETY OF FELLOWS IN THE HUMANITIES, COLUMBIA UNIVERSITY**, New York, NY

*Postdoctoral Research Fellow*, Aug. 2006 – May 2007

**THE HONORABLE PAUL V. NIEMEYER**, U.S. Court of Appeals for the Fourth Circuit, Baltimore, MD

*Law Clerk*, Aug. 2005 – Aug. 2006

**LATHAM & WATKINS, LLP**, Washington, DC

*Summer Associate*, May – Aug. 2004

**EDUCATION**

**UNIVERSITY OF VIRGINIA SCHOOL OF LAW**, Charlottesville, VA

J.D., May 2005

Margaret G. Hyde Award (selected by faculty for highest graduation award)

Hardy Cross Dillard Scholar (full three-year merit scholarship)

*Virginia Law Review*, Articles Development Editor

Order of the Coif

**UNIVERSITY OF OXFORD** (Balliol College), Oxford, England

D.Phil., Politics, Jan. 2003

Rhodes Scholar

Dissertation: *Towards a Defense of Public Reason*

**UNIVERSITY OF VIRGINIA**, Charlottesville, VA

B.A., Government and Foreign Affairs, with Highest Honors, May 1998

Truman Scholar

Phi Beta Kappa

John White Stevenson Prize for Best Honors Thesis

## PUBLICATIONS

### BOOKS

CONSTITUTIONAL LAW AND RELIGION (forthcoming West Publishing Company)  
(with Frederick Mark Gedicks, Robert W. Tuttle, and Nelson Tebbe)

THE RISE OF CORPORATE RELIGIOUS LIBERTY (with Chad Flanders and Zoë Robinson eds., Oxford University Press, 2016)

### ARTICLES

*Morality, Ontology, and Corporate Rights*, LAW & ETHICS OF HUMAN RIGHTS (forthcoming 2017)  
(with Steven Walt)

*How Much May Religious Accommodations Burden Others?*, in LAW, RELIGION, AND HEALTH IN THE UNITED STATES (Holly Fernandez Lynch et al. eds., 2017) (with Nelson Tebbe & Richard Schragger)

*When Do Religious Accommodations Burden Others?*, in THE CONSCIENCE WARS: RETHINKING THE BALANCE BETWEEN RELIGION, IDENTITY, AND EQUALITY (Susanna Mancini & Michel Rosenfeld eds., 2017) (with Nelson Tebbe and Richard Schragger)

*Religion, Equality, and Anarchy*, in RELIGION IN LIBERAL POLITICAL PHILOSOPHY (Cécile Laborde & Aurélia Bardou eds., 2016)

*Some Realism about Corporate Rights*, in THE RISE OF CORPORATE RELIGIOUS LIBERTY 345 (Schwartzman et al. eds., 2016) (with Richard Schragger)

*Introduction*, in THE RISE OF CORPORATE RELIGIOUS LIBERTY xiii (Schwartzman et al. eds., 2016) (with Chad Flanders and Zoë Robinson)

*Reasoning from Conjecture: A Reply to Three Objections*, in RAWLS AND RELIGION 152 (Tom Bailey and Valentina Gentile eds., 2015)

*Religion as a Legal Proxy*, 51 SAN DIEGO L. REV. 1085 (2014) (symposium)

*Religion, Equality, and Public Reason*, 94 B.U. L. REV. 1321 (2014) (symposium)

*Lost in Translation: A Dilemma for Freedom of the Church*, 21 J. CONTEMP. LEGAL ISSUES 15 (2013) (symposium) (with Richard Schragger)

*Against Religious Institutionalism*, 99 VA. L. REV. 917 (2013) (with Richard Schragger)

*Obligation, Anarchy, and Exemption*, 28 CONST. COMMENT. 93 (2013) (reviewing ABNER S. GREENE, AGAINST OBLIGATION: THE MULTIPLE SOURCES OF AUTHORITY IN A LIBERAL DEMOCRACY (2012))

*What If Religion Is Not Special?* 79 U. CHI. L. REV. 1351 (2012)

*The Ethics of Reasoning from Conjecture*, 9 J. MORAL PHIL. 521 (2012) (peer review)

*Conscience, Speech, and Money*, 97 VA. L. REV. 317 (2011)

*The Sincerity of Public Reason*, 19 J. POL. PHIL. 375 (2011) (peer review)

*Judicial Sincerity*, 94 VA. L. REV. 987 (2008)

*The Relevance of Locke's Religious Arguments for Toleration*, 33 POL. THEORY 678 (2005) (peer review)

*The Completeness of Public Reason*, 3 POL., PHIL. & ECON. 191 (2004) (peer review)

Reprinted in JOHN RAWLS (INTERNATIONAL LIBRARY OF ESSAYS IN THE HISTORY OF SOCIAL AND POLITICAL THOUGHT) 513 (David Reidy ed., 2008)

## **IN PROGRESS**

*Is Lying a Political Wrong?*

*Must Laws be Motivated by Public Reasons?*

## **SHORTER WORKS**

*Zubik and the Demands of Justice*, SCOTUSblog (May 16, 2016) (with Nelson Tebbe and Richard Schragger), <http://www.scotusblog.com/2016/05/symposium-zubik-and-the-demands-of-justice/>

*The Contraception Compromise*, SLATE (April 14, 2016) (with Richard Schragger and Nelson Tebbe)

*Obergefell and the End of Religious Reasons for Lawmaking*, RELIGION & POLITICS (June 29, 2015) (with Richard Schragger and Nelson Tebbe)

*Indiana's New Law Allows Discrimination – That Was the Point*, SLATE (March 30, 2015) (with Nelson Tebbe and Robert Tuttle)

*Utah "Compromise" to Protect LGBT Citizens from Discrimination Is No Model for the Nation*, SLATE (March 18, 2015) (with Nelson Tebbe and Richard Schragger)

*What Did RFR A Restore?* CORNERSTONE (Sept. 11, 2014), <http://berkeleycenter.georgetown.edu/cornerstone/hobby-lobby-the-ruling-and-its-implications-for-religious-freedom/responses/what-did-rfra-restore>

*The New Law of Religion: Hobby Lobby rewrites religious-freedom law in ways that ignore everything that came before*, SLATE (July 3, 2014) (with Richard Schragger and Nelson Tebbe)

*Hobby Lobby's dangerous precedent*, N.Y. DAILY NEWS (July 1, 2014) (with Nelson Tebbe and Richard Schragger)

*The Evolution of Hobby Lobby: The Arguments that Matter and How They Were Developed*, CORNERSTONE (June 12, 2014) (with Richard Schragger and Nelson Tebbe), <http://berkeleycenter.georgetown.edu/responses/the-evolution-of-hobby-lobby-the-arguments-that-matter-and-how-they-were-developed>

*A Prayer for Liberals: Why are some liberals conceding that it's their fault for objecting to legislative prayer?* SLATE (May 8, 2014) (with Nelson Tebbe)

*Obamacare and Religion and Arguing off the Wall: What the New York Times and the courts are missing in the birth control mandate fight*, SLATE (Nov. 26, 2013) (with Nelson Tebbe)

*Symposium: The puzzle of Town of Greece v. Galloway*, SCOTUSblog (Sep. 24, 2013) (with Nelson Tebbe), <http://www.scotusblog.com/2013/09/symposium-the-puzzle-of-town-of-greece-v-galloway>

*Not Getting Any Younger: President Obama's penchant for older judges scuttled Goodwin Liu*, SLATE (May 26, 2011)

*Old World: Why isn't Obama appointing young judges to the circuit courts?* THE NEW REPUBLIC ONLINE (July 17, 2009) (with David Fontana)

### **SELECTED PRESENTATIONS**

#### *Morality, Ontology, and Corporate Rights*

Law and Public Affairs Program, Princeton (Dec. 2016)

Fordham Legal Theory Workshop (Oct. 2016)

Faculty Workshop, University of Virginia School of Law (April 2016)

"Human Rights & the Rights of Non-Humans," College of Law & Business, Ramat Gan, Israel (Jan. 2016)

#### *Must Laws Be Motivated by Public Reason?*

"Courts and Public Reason in Global Public Law," WZB Social Science Center, Berlin (July 2016)

#### *The Wrong of Lying: Moral or Political?*

"Speech Matters," UCL Faculty of Laws, London (May 2016)

#### *When Do Religious Accommodations Burden Others?*

"The Conscience Wars," Cardozo Law School (Sept. 2015)

Annual Law & Religion Roundtable, Georgetown University (June 2015)

"Law, Religion, and Health in America," Petrie-Flom Center, Harvard Law School (May 2015)

#### *Religion, Equality, and Anarchy*

"Religion in Liberal Political Philosophy," UCL, London (June 2015)

#### *Some Realism about Corporate Rights*

Law & Philosophy Program, University of Texas School of Law (March 2015)

Legal Studies and Business Ethics Department, Wharton School, University of Pennsylvania (Dec. 2015)

Politics, Philosophy, & Law Colloquium, University of Virginia (Oct. 2014)

Symposium, "The New Religious Institutionalism," DePaul University College of Law (Sept. 2013)

#### *What Did RFR A Restore?*

2014 Southeast Association of Law Schools Annual Conference, Amelia Island, FL (Aug. 2014)

#### *Religion as a Legal Proxy*

"Secularism, Religion, and Liberal Neutrality," APSA Annual Meeting, Washington, DC (Aug. 2014)

Annual Law and Religion Roundtable, Washington University (June 2014)

Institute for Law and Religion, University of San Diego School of Law (Feb. 2014)

"Religion, Democracy, and Equality," ICLARS, Charlottesville, VA (Aug. 2013)

#### *Against Religious Institutionalism*

Faculty Workshop, UCLA School of Law (Feb. 2013)

Institute for Law and Religion, University of San Diego (Oct. 2012)

Annual Law and Religion Roundtable, Harvard Law School (June 2012)

*What If Religion Is Not Special?*

Virginia Center for the Study of Religion, University of Virginia (Spring 2012)  
“Religious Legal Theory,” Pepperdine University School of Law (Feb. 2012)  
Faculty Workshop, Brooklyn Law School (Feb. 2012)  
Legal Studies Workshop, University of Pennsylvania Law School (Dec. 2011)

*The Ethics of Reasoning from Conjecture*

“Between Rawls and Religion,” LUISS and John Cabot University, Rome, Italy (Dec. 2010)  
“Muslim Minorities in Liberal Democracies,” Michigan State University (April 2007)  
Lecture Series, Columbia University Society of Fellows in the Humanities (April 2007)

*Conscience, Speech, and Money*

Faculty Workshop, George Washington University School of Law (Oct. 2010)  
Faculty Workshop, University of Virginia School of Law (Aug. 2010)  
Annual Law & Religion Roundtable, Brooklyn Law School (June 2010)

*The Ethics of Argument*

Philosophy Department, College of Charleston (Nov. 2009)  
College Forum Series, Iowa Wesleyan College (April 2009)

*Judicial Sincerity*

Faculty Workshop, Georgetown University Law Center (Dec. 2007)  
Legal Theory Workshop, UCLA School of Law (Nov. 2006)

*The Sincerity of Public Reason*

“Muslim Citizens in Non-Muslim Liberal Democracies,” Yale University (Dec. 2007)  
Political Theory Colloquium, University of Virginia (April 2005)

**SELECTED MEDIA**

*Invited Guest, Inside Charlottesville with Coy Barefoot* (radio broadcast June 30, 2014) (discussing *Hobby Lobby*)  
(<http://insidectv.com/nation/micah-schwartzman-6-30-14/>)

*Invited Panelist, Religious Liberty Practice Group, Federalist Society, Hobby Lobby and McCullen v. Coakley: HHS Mandate and Abortion Clinic Buffer Zones – Podcast* (July 1, 2014) (<http://www.fedsoc.org/multimedia/detail/hobby-lobby-and-mccullen-v-coakley-hhs-mandate-and-abortion-clinic-buffer-zones-podcast>)

*Invited Panelist, “Everybody’s Business: The Legal, Economic, and Political Implications of Religious Freedom,”* Berkley Center, Georgetown University (<http://www.c-span.org/video/?318433-2/panel-discussion-sebelius-v-hobby-lobby-stores>)

*Invited Guest, Inside Charlottesville with Coy Barefoot* (radio broadcast May 12, 2014) (discussing *Town of Greece*)  
(<http://insidectv.com/nation/micah-schwartzman/>)

**ACADEMIC SERVICE**

Referee: Presses: Oxford University Press, Princeton University Press

Journals: *American Political Science Review*; *Australasian Journal of Philosophy*; *Journal of Church & State*; *Journal of Moral Philosophy*; *Journal of Political Philosophy*; *Journal of Politics*; *Kennedy Institute of Ethics Journal*; *Law & Ethics of Human Rights*; *Law & Literature*; *Law & Philosophy*; *Philosophy &*

*Public Issues; Political Research Quarterly; Political Studies; Politics, Philosophy & Economics; Representation; Res Publica; Social Theory & Practice*

Law School: Appointments Committee, Member (2016-17, 2013-14)  
Clerkships Committee, Chair (2014-16, 2010-13, 2008-09), Member (2009-10, 2016-17)  
Legal Theory Workshop Committee, Member (2015-16)  
Academic Placement Committee, Member (2014-15)  
Order of the Coif Committee, Chair (2007-08)

University: Rhodes, Marshall, and Mitchell Scholarship Selection Committee (2007-present)  
Brown College, Faculty Fellow (2009-present)

#### **PROFESSIONAL AFFILIATIONS**

Bar Admission: Maryland (inactive)  
United States Court of Appeals for the Fourth Circuit  
United States District Court for the District of Maryland

American Political Science Association, Member

American Society for Political and Legal Philosophy, Member