

## **CHARLES L. BARZUN**

Horace W. Goldsmith Professor of Law

University of Virginia School of Law

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### **ACADEMIC APPOINTMENTS**

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**University of Virginia School of Law**, Charlottesville, VA

*Horace W. Goldsmith Research Professor of Law*

*Armistead M. Dobie Professor of Law*, May 2015-18

*Professor of Law*, August 2013 – May 2014

*Associate Professor of Law*, July 2008 – August 2013

**University of North Carolina, Dept. of Philosophy**, *Visiting Scholar*, Chapel Hill, NC, Fall 2010

**Harvard Law School**, *Climenko Fellow and Lecturer on Law*, Cambridge, MA, 2006-08

### **EDUCATION**

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**University of Virginia School of Law**, J.D. / M.A. Degree in Law and History, May 2005

*Virginia Law Review*, Notes Development Editor

Law School Alumni Association Best Note Award (*Common Sense and Legal Science*)

Roger and Madeleine Traynor Prize for outstanding written work (same)

Order of the Coif (Top 10% of class)

**Harvard College**, A.B., Government, *magna cum laude*, June 1997

Senior Thesis: *Matthew Arnold and the Intellectual Virtue of a Romantic Liberalism*

John Harvard Scholar

### **PROFESSIONAL EXPERIENCE**

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**Hon. Robert D. Sack**, *Law Clerk*, Second Circuit Court of Appeals, New York, NY, 2005-06

**Covington & Burling**, *Summer Associate*, Washington, D.C., Summer 2004

**Professor A. E. Dick Howard**, *Research Assistant*, Charlottesville, VA, Summer 2003

**CNET: The Computer Network**, Business and Product Development, 1998-2002

### **PUBLICATIONS**

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*Introduction: The Nature of the Judicial Process at 100*, *Yale J. L. & Human.* (2023) (with John C. P. Goldberg)

*Taking Experience Seriously: A Comment on Benjamin Zipursky's "Benjamin Cardozo and American Natural Law Theory"*, *Yale J. L. & Human.* (2023)

*Alzheimer's, Advance Directives, and Interpretive Authority*, *20 J. of Med. & Phil* 1 (2022)

*Clash of the Titans: Hercules v. Dennis Martinez, or Why Dworkin and Fish are Both Wrong* (forthcoming in edited collection on Fish-Dworkin Debate)

*The Common Law and Critical Theory*, *92 Col. L. Rev.* 1221 (2021) (symposium)

*Conflict Avoidance in Constitutional Law*, *107 Va. L. Rev.* 1 (2021) (with Michael Gilbert)

*The Tale of Two Harts; A Schlegelian Dialectic*, 69 *Buf. L. Rev.* 9 (2021) (symposium)

*Quentin Skinner v. Charles Taylor: Explanation and Practical Reasoning in History, Philosophy, and Law*, 31 *Yale J. of L. & Hum.* 367 (2021) (symposium)

*The Genetic Fallacy and a Living Constitution*, 34 *CONST. COMM.* 101 (2019)

*Constructing Originalism or: Why Professors Baude and Sachs Should Learn to Stop Worrying and Love Ronald Dworkin*, 105, *VA. L. REV. ONLINE* 128 (2019)

*Justice Souter's Common Law*, 104 *Va. L. Rev.* (2018)

*Three Forms of Legal Pragmatism*, 95 *Wash. L. Rev.* (2018) (symposium)

*The Positive U-Turn*, 69 *Stan. L. Rev.* 1323 (2017)

*Jerome Frank, Lon Fuller, and a Romantic Pragmatism*, 29 *Yale J. Law & Human.* 101 (2017)

*Working for the Weekend: A Response to Kessler & Pozen*, 83 *U. Chi. L. Rev.* 1819 (2017)

*Law, Tradition, and Robert Langbaum's Doctrine of Experience*, 47 *Wordsworth Circle* 134 (2016)

*Causation, Legal History, and Legal Doctrine*, 64 *Buff. L. Rev.* 81 (2016) (Symposium)

*Legal Realism and Natural Law* ([Law, Theory and History: New Essays on a Neglected Topic](#) (Maksymilian Del Mar & Michael Lobban eds., 2016) (with Dan Priel)

*Inside-Out: Beyond the Internal-External Distinction in Legal Scholarship*, 101 *Va. L. Rev.* 1203 (2015)

*Symposium on Law and (its) History: Introduction* (with Dan Priel), 101 *Va. L. Rev.* 849 (2015)

*Metaphysical Quietism and Functional Explanation in Law*, 34 *Law & Phil.* 89 (2015)

*Getting Substantive: A Response to Posner and Vermeule*, 80 *U. Chi. L. Rev.*, *Dialogue* 267 (2014)

*Impeaching Precedent*, 80 *U. Chi. L. Rev.* 1625 (2013)

*The Forgotten Foundations of Hart and Sacks*, 99 *Va. L. Rev.* 1 (2013)

*Legal Rights and the Limits of Conceptual Analysis: A Case Study*, 26 *Ratio Juris* 215 (2013)

*Kristen Rundle's Forms Liberate: Reclaiming the Jurisprudence of Lon Fuller* (Book Review), 75 *Mod. L. Rev.* 935 (2013)

*Jerome Frank and the Modern Mind*, 58 *Buffalo L. Rev.* 1127 (2010)

*Rules of Weight*, 83 *Notre Dame L. Rev.* 1957 (2008)

*Politics or Principle? Zechariah Chafee and the Social Interest in Free Speech*, 2007 *B.Y.U. L. Rev.* 259

*Common Sense and Legal Science*, 90 *Va. L. Rev.* 1051 (2004)

## **COURSES AND SEMINARS**

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Jurisprudence  
Evidence  
Constitutional Law

Torts  
The Rule of Law and its Threats (with Josh Bowers)  
Advanced Legal Argument  
Twentieth-Century Legal Thought  
Originalism and its Critics  
American Legal Realism  
Law and the Humanities  
Evidence Theory  
Advanced Legal Argument (short course)  
Learning from the Holocaust (short course)

## **PROFESSIONAL SERVICE**

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### **Referee**

Harvard Law Review, Journal of Politics, Ratio Juris, Law & Philosophy, Legal Theory, Law and Social Inquiry; Recipient of 2019 Legal Theory Annual Reviewer Award

### **University of Virginia School of Law**

Appointments (Chair, 2020-21)  
Law & History Committee / Director of JD/MA Program (Co-Chair, 2016-21)  
Clerkship Committee (2020-21)  
Tenure Committee (Chair, 2019-20)  
Publications Committee (2018-20)  
Admissions Committee (Chair, 2017-18)  
Faculty Workshops (2016-17)  
Appointments Committee (2015-16)  
Tenure Subcommittee (2015-16)  
Curriculum Committee (2014-15)  
Dillard Scholars Program (2014-15, 2011-12)  
Graduation Awards (2013-14)  
Law & Humanities Committee (Chair, 2009-13)

### **University of Virginia**

Promotion and Tenure Committee (2016-18)

## **ESSAYS, BLOG POSTS, AND OTHER PUBLICATIONS**

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*Dobbs and the Relevance of Experience*, BALKINIZATION (July 1, 2022)

Judging Progress: Roe, Casey and the idea of social change, THE POINT MAGAZINE (June 3, 2022)

*The Constitution and Genealogy*, BALKINIZATION (July 6, 2020)

*Living Constitutionalism and Social Progress*, BALKINIZATION (June 26, 2020)

*Why We are All Living Constitutionalists*, BALKINIZATION (June 9, 2020)

*An Unoriginal Joke*, BALKINIZATION (May 30, 2020)

*The Oath Argument*, BALKINIZATION (May 19, 2020)

*Is a Progressive Reading of the Constitution Possible?* (Review of *We the People: A Progressive Reading of the Constitution for the Twenty-First Century*, by Erwin Chemerinsky), THE RAMBLER (August, 2019)

*Introduction to "Present-Day Thoughts on the Quality of Life, by Jacques Barzun"* THE AMERICAN SCHOLAR (March 4, 2019) (co-authored with Matthew Barzun)

*This Episode of Black Mirror Sucks: On Civil Discourse and Political Faith*, THE POINT MAGAZINE (August, 2018)

*A Letter to My Grandfather*, THE CHRONICLE OF HIGHER EDUCATION (May, 2013)

### **SELECTED TALKS AND PRESENTATIONS**

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“Chapter 2: Oliver Wendell Holmes, Jr.’s *The Common Law*,” Faculty Workshop, University of Virginia School of Law, June 6, 2023.

“Chapter 2: Oliver Wendell Holmes, Jr.’s *The Common Law*,” Symposium of Adjudication and Legal Reasoning, Wisconsin Law School, Madison, May 18, 2023.

“Chapter 1: James Wilson’s *Lecture’s on Law*,” Faculty Workshop, Antonin Scalia Law School, February 14, 2023.

“Taking Experience Seriously,” Seminar on *Negations, Scepticisms and Curiosity: Inquiries into American Legal Realism*, Università degli Studi di Genova, December 5, 2022

“Taking Experience Seriously,” Workshop on Constitutional Law and General Jurisprudence, Dartmouth College, September 24, 2022

“The Life of the Law: A Study in Legal Science (Introduction),” Faculty Workshop Series, University of Virginia, October 22, 2021

“*The Tale of Two Harts; A Schlegelian Dialectic*,” Legal Theory Workshop Series, University of Maryland, Carey School of Law, September 24, 2020

“*The Tale of Two Harts; A Schlegelian Dialectic*,” Legal Theory Workshop Series, University of Maryland, Carey School of Law, September 24, 2020

Commenter on Ryan D. Doerfler, *Going “Clear,” “Truth, Power, and Democracy”* Workshop Series, Dartmouth College, August 6, 2019

“Doing History in the Present,” roundtable discussant, Law & Society Conference, Washington DC, June 1, 2019

“The Jurisprudence of Style: Author Meets Reader,” panelist, Law & Society Conference, Washington DC, May 30, 2019

“Between History and Philosophy: Models of Legal Reasoning,” James E. Rogers College of Law, Univ. of Arizona, September 27, 2018

“Between History and Philosophy: Models of Legal Reasoning,” Conference on History, Ideology and Law, September 21-22, 2018

Panelist, Roundtable on Law, Ideology and History, Law & Society Conference, Toronto, CA, June 7, 2018

“Three Forms of Legal Pragmatism,” University of Alabama, February 26, 2018

“Three Forms of Legal Pragmatism,” University of Colorado, February 23, 2018

“Remembering Jacques Barzun,” Center on Capitalism and Society’s 15th annual conference, *The Age of the Individual: 500 Years Ago Today*, October 31, 2017

“Three Forms of Legal Pragmatism,” Washington University, Symposium: Exploring Jurisprudence, October 20, 2017

“Mr. Justice Souter and Holistic Legal Thinking,” Faculty Workshop Series, University of Virginia, February 24, 2017

“Quentin Skinner, Charles Taylor and Practical Reasoning in Law & History,” American Society of Legal History Annual Conference, October 28, 2016

“Jerome Frank, Lon Fuller, and Legal Process,” Law & Society, Annual Conference, May 31, 2016

“Jerome Frank, Lon Fuller, and Legal Process,” American Society of Legal History Annual Conference, October 31, 2015

“Jerome Frank and Lon Fuller,” University of Toronto Law School, September 25, 2015

“Why it Matters What Matters: Causation and Legal Doctrine,” Conference on “Opportunities for Law’s Intellectual History,” Buffalo Law School, October 10-11, 2014

Co-organizer, “Symposium on Jurisprudence and its History,” University of Virginia School of Law, September 19-20, 2014

“The Meaning of a Liberal Education,” Speech to Phi Beta Kappa Society, University of North Carolina at Greensboro, April 15, 2014

Discussant, Roundtable Discussion of Sean Coyle’s *Dimensions of Politics and English Jurisprudence* (Cambridge University Press, 2013), Notre Dame Law School, October 4, 2013

“Changing Conceptions of Law & Society in American Legal Thought,” International Conference on Law & Society, June 2012

“The Forgotten Foundations of Hart and Sacks,” Harvard, Yale, and Stanford Junior Faculty Forum, June 2012 (selected as best paper in the “jurisprudence and philosophy” category)

“Metaphysical Quietism and Functional Explanation in the Law,” Inland Northwest Philosophy Conference, March 2012

“Impeaching Precedent,” University of Washington Law School, March 2012

“The Intellectual Foundations of Legal Process,” Virginia Faculty Summer Workshop, July 2011

“The Problem of the Contented Demented,” Virginia Junior Faculty Forum, December 2010

“Jurisprudence, Methodology, and Purpose,” Virginia Faculty Summer Workshop, July 2010

“Jerome Frank and the Modern Mind,” Summer Faculty Workshop, University of Virginia, July 2009