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EDUCATION

A.B., 1967, Dartmouth College  
M.B.A., 1968, Dartmouth College, Amos Tuck School of Business Administration  
J.D., 1972, Harvard University  
M.A. (by resolution), University of Oxford, 2007

PROFESSIONAL POSITIONS

University of Virginia School of Law  
David and Mary Harrison Distinguished Professor of Law, from August 2008  
John Ewald Distinguished Visiting Professor of Law, 1996

Harvard University, John F. Kennedy School of Government  
Frank Stanton Professor of the First Amendment, Emeritus, from 2008  
Frank Stanton Professor of the First Amendment, 1990 – 2008  
Academic Dean, 1997-2002  
Acting Dean. Spring 2001  
Affiliated and Visiting Professor, Harvard Law School, 1996 - 2009  
Visiting Professor, Edmond J. Safra Foundation for Ethics, 2004-2005  
Fellow, Radcliffe Institute for Advanced Studies, 2002-2003  
Acting Director, Carr Center on Human Rights Policy, 1999-2001  
Acting Director, Joan Shorenstein Center on the Press, Politics and Public Policy,  
1994-1995

Columbia Law School  
Visiting Professor of Law, 2012-2013

Oxford University  
George Eastman Visiting Professor, 2007-2008  
Fellow of Balliol College, 2007-2008

University of Chicago Law School  
Daniel R. Fischel & Sylvia M. Neil Distinguished Visiting Professor of Law, 2005  
Visiting Professor of Law, 1990

Dartmouth College  
Visiting Professor of Government, 1997  
William Morton Distinguished Visiting Professor of the Humanities, 1991

University of Michigan Law School

Professor of Law, 1983-1990  
Professor of Law and Political Science, 1989

College of William and Mary Law School  
James Goold Cutler Professor of Law, 1980-1983  
Associate Professor of Law, 1978-1980

Cambridge University  
Visiting Scholar, Wolfson College, 1977-1978  
Member of the Faculty of Law, 1977-1978

West Virginia University College of Law  
Associate Professor of Law, 1976-1978  
Assistant Professor of Law, 1974-1976

Fine & Ambrogne, Boston, Massachusetts  
Attorney (litigation), 1972-1974

## PUBLICATIONS

### BOOKS

*The Force of Law* (Harvard University Press, 2015) (Italian edition, Milan, Libreria Mimesis, Forthcoming 2016) (Spanish edition, *Fuerza de Ley*, Lima, Editores Palestra, 2015) (Portuguese edition, Sao Paolo, Martins Fontes, translation in progress)

*The Theory of Rules*, by Karl Llewellyn, edited and with an introduction by Frederick Schauer (University of Chicago Press, 2011)

*Thinking Like a Lawyer: A New Introduction to Legal Reasoning* (Harvard University Press, 2009) (paperback edition, 2012) (Spanish edition, *Pensar Como un Abogado*, Madrid, Marcel Pons Ediciones, 2013) (Portuguese edition, Madrid, Marcial Pons Ediciones, forthcoming 2016) (South Asia edition, New Delhi, Universal Law Publishing Company, 2010) (Chinese edition, China Legal Publishing House, forthcoming 2016) (French edition, Éditions Dalloz, forthcoming 2016) (Italian edition, Bologna, Carocci Editore, forthcoming 2017)

*Profiles, Probabilities, and Stereotypes* (Harvard University Press/Belknap Press, 2003) (paperback edition, 2006) (Italian edition, *Di Ogni Erba un Fascio: Generalizzazioni, Profili, Stereotipi nel Mondo della Giustizia*, Bologna, il Mulino, 2008)

*Playing By the Rules: A Philosophical Examination of Rule-Based Decision-Making in Law and in Life* (Oxford University Press/Clarendon Press, 1991) (paperback edition, 1992) (Italian edition, *La Regole del Gioco*, Bologna, il Mulino, 2000) (Spanish edition, *Las Reglas en Juego*, Madrid, Marcel Pons Ediciones, 2004) (Chinese edition, translation in progress)

*The Philosophy of Law: Classic and Contemporary Readings with Commentary* (with Walter

Sinnott-Armstrong) (Harcourt Brace/Oxford University Press, 1996)

*Constitutional Law* (with Choper, Fallon, & Dorf) (West Publishing, 12<sup>th</sup> ed., 2015)

*The First Amendment* (with Choper & Shiffrin) (West Publishing, 6<sup>th</sup> ed., 2015)

*Leading Cases in Constitutional Law* (with Choper, Fallon, & Dorf) (West Publishing, 2016)

*Supplements to Gunther, Constitutional Law* (Foundation Press, 1983-1996)

*Law and Language* (editor) (Dartmouth/Gower/Ashgate Publishing Company, 1992)

*The First Amendment: A Reader* (with John H. Garvey) (West Publishing Company, 1992, Second edition, 1995)

*Free Speech: A Philosophical Enquiry* (Cambridge University Press, 1982) (paperback edition, 1982) (Turkish edition, *İfade Özgürlüğü: Felsefi Bir İnceleme*, Ankara, Liberal Düşünce Topluluğu, 2002)

*The Law of Obscenity* (BNA Books, 1976)

#### ARTICLES AND REVIEW ESSAYS

“Analogy, Expertise, and Experience” (with Barbara A. Spellman), *University of Chicago Law Review*, 84 (forthcoming 2017)

“Not Just About License Plates: *Walker v Sons of Confederate Veterans*, Government Speech, And Doctrinal Overlap in the First Amendment,” *The Supreme Court Review 2014* (forthcoming 2016)

“Second-Order Vagueness in Law,” in Geert Keil & Ralf Poscher, eds., *Vagueness in Law: Philosophical and Legal Approaches* (Oxford, forthcoming 2017)

“How (and If) Law Matters,” *Harvard Law Review Forum*, 129 (2016), F350-59

“Defeasibilities,” *Notre Dame Philosophical Reviews*, February 25, 2016

“Why the Declaration of Independence is Not Law – and Why It Could Be,” *Southern California Law Review*, 89 (forthcoming 2016)

“Source Formality in International Law,” in Samantha Besson & Jean d’Espremont, eds., *Oxford Handbook on the Sources of International Law* (forthcoming 2016)

“A Reply to Five Friends,” *Ratio Juris*, 29 (forthcoming 2016)

“Free Speech on Tuesdays,” *Law and Philosophy*, 34 (2015), 119-40

- “Out of Range: On Patently Uncovered Speech,” *Harvard Law Review Forum*, 128 (2015), F346-58
- “On the Distinction between Speech and Action,” *Emory Law Journal*, 65 (2015), 427-54
- “Legal Fictions Revisited,” in Maksymilian Del Mar & William Twining, eds., *Legal Fictions in Theory and Practice* (Springer, 2015), 113-30
- “Testing the Marketplace of Ideas” (with Daniel Ho), *New York University Law Review*, 90 (2015), 1160-1228
- “The Politics and Incentives of First Amendment Coverage,” *William & Mary Law Review*, 56 (2015), 1613-36
- “The Path Dependence of Legal Positivism,” *Virginia Law Review*, 101 (2015), 957-76
- “On the Relationship Between Legal and Ordinary Language,” in Lawrence Solan, Janet Ainsworth, & Roger Shuy, eds., *Speaking of Language and Law* (Oxford, 2015), 35-38
- “Twining on Llewellyn and Legal Realism,” in Christopher McCrudden ed., *Law’s Theoretical and Global Contexts: Essays in Honour of William Twining* (Cambridge, 2015), 265-79
- “Is Law a Technical Language?,” *San Diego Law Review*, 52 (2015), 1-14
- “Constitutions of Hope and Fear,” *Yale Law Journal*, 124 (2014), 528-62
- “Our Informationally Disabled Courts,” *Daedalus* 143 (2014), 105-14
- “Analogy in the Supreme Court: *Lozman v City of Riviera Beach*,” *The Supreme Court Review* 2012 (2014), 405-32
- “Modeling Tolerance,” *Journal of Institutional and Theoretical Economics*, 170 (2014), 83-95
- “Memorial to John Mansfield,” *Harvard Law Review*, 128 (2014), 533-37
- “The Mixed Blessings of Financial Transparency,” *Yale Journal on Regulation*, 31 (2014), 809-23
- “Legal Realism Untamed,” *Texas Law Review* 91 (2013), 749-80
- “On the Open Texture of Law,” *Grazer Philosophische Studien*, 87 (2013), 195-213
- “Official Obedience and the Politics of Defining ‘Law,’” *Southern California Law Review*, 58 (2013), 1165-94
- “Is Expert Evidence Really Different?” *Notre Dame Law Review*, 88 (2013), 1-26 (with B. Spellman)

- “Hart’s Anti-Essentialism,” in L. Duarte d’Almeida, J. Edwards, & A. Dolcetti, eds., *Reading H.L.A. Hart’s “The Concept of Law”* (Hart Publishing, 2013), 237-46
- “The Ubiquity of Prevention,” in Andrew Ashworth, Lucia Zedner, & Patrick Tomlin, eds., *Prevention and the Limits of the Criminal Law* (Oxford University Press, 2013), 10-22
- “Necessity, Importance, and the Nature of Law,” in Jordi Ferrer, et al., eds., *Neutrality and Theory of Law* (Marcial Pons (Spanish); Springer (English), 2013), 17-31
- “Foreword,” to Edward H. Levi, *An Introduction to Legal Reasoning* (University of Chicago Press, 2013 reissue of 1949 book), v-xvi
- “The Jurisprudence of Custom,” *Texas International Law Journal*, 48 (2013), 523-34
- “Constitutionalism and Coercion” (Clough Distinguished Lecture in Jurisprudence), *Boston College Law Review*, 54 (2013), 1881-1908
- “The *Miranda* Warning,” *Washington Law Review*, 88 (2013), 155-70
- “The Decline of ‘The Record’: A Comment on Posner,” *Duquesne Law Review*, 51 (2013), 51-66
- “Stare Decisis and the Selection Effect,” in Christopher J. Peters, ed., *Precedent in the United States Supreme Court* (Springer, 2013), 121-34
- “Harm(s) and the First Amendment,” *The Supreme Court Review 2011* (2012), 81-111
- “The Political Risks (If Any) of Breaking the Law,” *Journal of Legal Analysis*, 4 (2012), 83-101
- “On the Nature of the Nature of Law,” *Archiv für Rechts- und Sozialphilosophie*, 98 (2012), 457-67
- “Precedent,” in Andrei Marmor ed., *Routledge Companion to Philosophy of Law* (Routledge, 2012), 123-36
- “Is Defeasibility an Essential Property of Law?” in Jordi Ferrer & Giovanni Ratti, eds., *The Logic of Legal Requirements: Essays on Defeasibility* (Oxford University Press, 2012), 77-88
- “Must Virtue Be Particular?” in Amalia Amaya & H.L. Ho, eds., *Law, Virtue, and Justice* (Oxford: Hart Publishing, 2012), 265-276
- “Social Epistemology, Holocaust Denial, and the Post-Millian Calculus,” in Michael Herz & Peter Molnar, eds., *The Content and Context of Hate Speech* (Cambridge University Press, 2012), 129-43
- “Is the Rule of Recognition a Rule?” *Transnational Legal Theory*, 3 (2012), 1-7
- “Comparative Constitutional Compliance,” in Maurice Adams & Jacco Bomhoff, eds.,

- Practice and Theory in Comparative Law* (Cambridge, 2012), 212-229
- “The Possibility of a Free Speech Principle,” *American Philosophical Association Newsletter On Philosophy and Law*, 12 (2012), 10-13
- “Bentham on Presumed Offenses,” *Utilitas*, 23 (2011), 363-79
- “Positivism Before Hart,” *Canadian Journal of Law and Jurisprudence*, 24 (2011), 455-71
- “Is Legality Political?” *William and Mary Law Review*, 53 (2011), 481-506
- “The Trouble with Cases,” in Daniel Kessler, ed., *Litigation versus Regulation* (National Bureau Of Economic Research/University of Chicago Press, 2011), 45-70 (with R. Zeckhauser)
- “Transparency in Three Dimensions,” *University of Illinois Law Review* (the David Baum Memorial Lecture), 2011 (2011), 1339-57
- “On the Relation Between Chapters One and Two of John Stuart Mill’s *On Liberty*,” *Capital University Law Review*, 39 (2011), 571-92
- “The Best Laid Plans,” *Yale Law Journal*, 120 (2010), 586-621
- “Can Bad Science Be Good Evidence? Neuroscience, Lie-Detection, and Beyond” *Cornell Law Review*, 95 (2010), 1191-1220
- “When and How (If at All) Does Law Constrain Official Action?” *Georgia Law Review* (the John Sibley Lecture), 44 (2010), 769-801
- “Facts and the First Amendment,” *UCLA Law Review* (the Melville Nimmer Memorial Lecture), 57 (2010), 897-919
- “Neuroscience, Lie-Detection, and the Law: A Contrarian View,” *Trends in Cognitive Sciences*, 14 (3) (2010), 101-03
- “Is There a Psychology of Judging?” in David E. Klein & Gregory Mitchell, eds., *The Psychology of Judicial Decision Making* (Oxford University Press, 2010), 103-20
- “Was Austin Right After All? On the Role of Sanctions in a Theory of Law,” *Ratio Juris*, 23 (2010), 1-21
- “Balancing, Subsumption, and the Constraining Role of Legal Text,” *Law & Ethics of Human Rights*, 4 (2010), 34-45, and in Matthias Klatt, ed., *Institutional Reason: The Jurisprudence of Robert Alexy* (Oxford University Press, 2012), 307-16, and, in Spanish, as “Ponderación, subsumción y el rol restringente del texto jurídico,” in Gustavo Beade & Laura Clérico, eds., *Desafíos a la ponderación* (Universidad Externado de Colombia, 2011)
- “Is it Important to be Important? Evaluating the Supreme Court’s Case Selection Process,”

- Yale Law Journal Online*, 119 (2009), 77-86
- “Paltering,” in Brooke Harrington, ed., *Deception: From Ancient Empires to Internet Dating* (Stanford University Press, 2009), pp. 38-54 (with R. Zeckhauser)
- “Rules, Rationality, and the Significance of Standpoint,” *Queen’s Law Journal*, 35 (2009), 305-26
- “Artists’ Moral Rights and the Psychology of Ownership,” *Tulane Law Review*, 83 (2009), 661-78 (with B. Spellman)
- “Is It Better to Be Safe Than Sorry? Free Speech and the Precautionary Principle,” *Pepperdine Law Review*, 36 (2009), 301-15
- “Rules of Recognition, Constitutional Controversies, and the Dizzying Dependence of Law On Acceptance,” in Matthew Adler & Kenneth Himma, eds., *The Rule of Recognition and the U.S. Constitution* (Oxford University Press, 2009), 175-92 (with L. Alexander)
- “Institutions and the Concept of Law: A Reply to Ronald Dworkin (with Some Help from Neil MacCormick),” in Maksymilian Del Mar, ed., *Law as Institutional Normative Order: Essays in Honour of Sir Neil MacCormick* (Ashgate Publishing, 2009), 35-44
- “A Critical Guide to Vehicles in the Park,” *New York University Law Review*, 83 (2008), 1109-34
- “Why Precedent in Law (and Elsewhere) is Not Totally (or Even Substantially) About Analogy,” *Perspectives on Psychological Science* 3 (2008), 454-60
- “Authority and Authorities,” *Virginia Law Review*, 95 (2008), 1931-61
- “In Defense of Rule-Based Evidence Law – and Epistemology Too,” *Episteme*, 5 (2008), 295-305
- “Abandoning the Guidance Function: *Morse v. Frederick*,” *Supreme Court Review*, 2007 (2008), 316-48
- “Hohfeld’s First Amendment,” *George Washington Law Review*, 76 (2008), 914-32
- “Has Precedent Ever Really Mattered in the Supreme Court?” (The Henry J. Miller Lecture), *Georgia State Law Review*, 25 (2008), 217-36
- “Regulation By Generalization,” *Regulation & Governance*, 1 (2007), 68-87 (with R. Zeckhauser)
- “Expression and Its Consequences,” *University of Toronto Law Journal*, 57 (2007), 705-20
- “Ambivalence About the Law” (J. Byron McCormick Lecture), *Arizona Law Review*, 49 (2007), 11-28
- “Institutions as Legal and Constitutional Categories,” *UCLA Law Review*, 54 (2007), 1747-66

- “Pitfalls in the Interpretation of Customary Law,” in Amanda Perreau-Saussine & James Bernard Murphy, eds., *The Nature of Customary Law* (Cambridge University Press, 2007), 13-34
- “Should Presidents Obey the Law (And What Is “The Law,” Anyway),” in Terry L. Price & J. Thomas Wren, eds., *The Values of Presidential Leadership* (Palgrave Macmillan, 2007), 183-98
- “Foreword: The Court’s Agenda – And the Nation’s,” *Harvard Law Review*, 120 (2006), 4-62
- “Do Cases Make Bad Law?” *University of Chicago Law Review*, 73 (2006), 883-918
- “On the Supposed Jury-Dependence of Evidence Law,” *University of Pennsylvania Law Review*, 155 (2006), 165-202
- “(Re)Taking Hart,” *Harvard Law Review*, 119 (2006), 852-83
- “Legislatures as Rule-Followers,” in Richard W. Bauman & Tsvi Kahana, eds., *The Least Examined Branch: The Role of Legislatures in the Constitutional State* (Cambridge University Press, 2006), 468-79
- “Is There a Right to Academic Freedom,” *University of Colorado Law Review*, 77 (2006), 907-27
- “Legal Information as Social Capital,” *Law Library Journal*, 99 (2006), 267-83 (with V. Wise)
- “The Social Construction of the Concept of Law: A Reply to Julie Dickson,” *Oxford Journal of Legal Studies*, 25 (2005), 493-501
- “Towards an Institutional First Amendment,” *Minnesota Law Review*, 89 (2005), 1256-79
- “Imposing Rules,” *San Diego Law Review*, 42 (2005), 85-90
- “The Exceptional First Amendment,” in Michael Ignatieff, ed., *American Exceptionalism and Human Rights* (Princeton University Press, 2005), 29-56
- “Freedom of Expression Adjudication in Europe and America: A Case Study in Comparative Constitutional Architecture,” in Georg Nolte, ed., *European and U.S. Constitutionalism* (Council of Europe and Cambridge University Press, 2005), 47-64
- “On the Migration of Constitutional Ideas,” *Connecticut Law Review*, 37 (2005), 907-19
- “The Tyranny of Choice and the Rulification of Standards,” *Journal of Contemporary Legal Issues*, 14 (2005), 803-14
- “On the Relationship Between Press Law and Press Content,” in Timothy Cook, ed., *Freeing the Presses: The First Amendment in Action* (Louisiana State University Press, 2005), 51-68
- “Deferring,” *Michigan Law Review*, 103 (2005), 1567-77



- “The Wily Agitator and the American Free Speech Tradition,” *Stanford Law Review*, 58 (2005), 2157-70
- “La Categorización, en el Derecho y en el Mundo,” *Cuadernos de Filosofía del Derecho*, 28 (2005), 307-20
- “The Boundaries of the First Amendment: A Preliminary Exploration of Constitutional Salience,” *Harvard Law Review*, 117 (2004), 1765-1809
- “The Limited Domain of the Law,” *Virginia Law Review*, 90 (2004), 1909-56
- “Judicial Supremacy and the Modest Constitution,” *California Law Review*, 92 (2004), 1045-67
- “The ‘Speech-ing’ of Sexual Harassment,” in Catharine MacKinnon & Reva Siegel, eds., *Directions in Sexual Harassment Law* (Yale University Press, 2004), 347-64
- “Intentions, Conventions, and the First Amendment: The Case of Cross-Burning,” *Supreme Court Review*, 2003 (2004), 197-230
- “The Failure of the Common Law” (The Willard Pedrick Lecture), *Arizona State Law Review*, 36 (2004), 765-82
- “Neutrality and Judicial Review,” *Law and Philosophy*, 23 (2003), 217-40
- “The Convergence of Rules and Standards,” *New Zealand Law Review*, [2003], 303-28
- “The Heroes of the First Amendment,” *Michigan Law Review*, 101 (2003), 2118-33
- “The Dilemma of Access,” in Nancy Palmer, ed., *Terrorism, War, and the Media* (Hollis Publishing, 2003), 259-69
- “The Dilemma of Ignorance: PGA Tour v. Casey Martin,” *Supreme Court Review*, 2001 (2002), 267-97
- “First Amendment Opportunism,” in Lee C. Bollinger & Geoffrey R. Stone, eds., *Eternally Vigilant: Free Speech in the Modern Era* (University of Chicago Press, 2002), 174-97
- “Bundling, Boundary Setting, and the Privatization of Legal Information” (with V. Wise), in John Donahue & Joseph Nye, eds., *Market Based Governance* (Brookings, 2002), 129-42
- “Free Speech and the Social Construction of Privacy,” *Social Research*, 68 (2001), 221-32
- “Defending Judicial Supremacy: A Reply,” *Constitutional Commentary*, 17 (2001), 455-82 (with L. Alexander)
- “Non-Legal Information and the Delegalization of Law,” *Journal of Legal Studies*, 29 (2000), 495-515 (with Virginia J. Wise)

- “Can Public Figures Have Private Lives?” *Social Philosophy and Policy*, 17 (2000), 293-309
- “The Generality of Rights,” *Legal Theory*, 6 (2000), 323-36
- “Incentives, Reputation, and the Inglorious Determinants of Judicial Behavior” (The Robert Marx Lecture), *University of Cincinnati Law Review*, 68 (2000), 615-36
- “The Cost of Communicative Tolerance,” in Raphael Cohen-Almagor ed., *Liberal Democracy and the Limits of Tolerance* (University of Michigan Press, 2000), 28-42
- “Speech, Behaviour, and the Interdependence of Fact and Value,” in David Kretzmer & Francine Hazan eds., *Freedom of Speech and Incitement Against Democracy* (Kluwer, 2000), 28-42
- “Electoral Exceptionalism and the First Amendment,” *Texas Law Review*, 77 (1999), 1803-36 and in J. Rosencranz ed., *If Buckley Fell* (Century Foundation, 1999), 103-20 (with R. Pildes)
- “Talking as a Decision Procedure,” in Stephen Macedo ed., *Deliberative Politics: Essays on Democracy and Disagreement* (Oxford University Press, 1999), 17-27
- “Fuller on the Ontological Status of Law,” in W.J. Witteveen ed., *Rediscovering Fuller: Essays on Implicit Law and Institutional Design* (Amsterdam University Press, 1999), 124-42
- “Principles, Institutions, and the First Amendment,” *Harvard Law Review*, 112 (1998), 84-120
- “Positivism Through Thick and Thin,” in Brian Bix ed., *Analyzing Law: New Essays in Legal Theory* (Oxford University Press, 1998), 65-78
- “Instrumental Commensurability,” *University of Pennsylvania Law Review*, 146 (1998), 1215-1234
- “On the Supposed Defeasibility of Legal Rules,” *Current Legal Problems 1998* (M.D.A. Freeman ed., Oxford University Press, 1998), 223-40
- “La ética del gobierno ¿debe codificarse?” (The Ethics of Codification and the Codification of Ethics), *Perspectivas en política, economía y gestión*, 1(2) (1998), 167-84
- “Internet Privacy and the Public-Private Distinction,” *Jurimetrics*, 38 (1998), 555-64
- “Prediction and Particularity,” *Boston University Law Review*, 78 (1998), 773-89
- “Legal Positivism as Legal Information,” *Cornell Law Review*, 82 (1997), 1080-1110 (with V. Wise)
- “Discourse and Its Discontents,” *Notre Dame Law Review* (Symposium in Honor of Frederick Schauer), 72 (1997), 1309-34

- “On Extrajudicial Constitutional Interpretation,” *Harvard Law Review*, 110 (1997), 1359-87  
(with L. Alexander)
- “The Ontology of Censorship,” in Robert Post ed., *Censorship and Silencing: Practices of Cultural Regulation* (Getty Research Institute for the History of Art, 1997), 147-68
- “Constitutional Invocations,” *Fordham Law Review*, 47 (1997), 1295-1312
- “Generality and Equality,” *Law and Philosophy*, 16 (1997), 279-97
- “Prescriptions in Three Dimensions,” *Iowa Law Review*, 82 (1997), 911-22
- “Justificación ética de la libertad de expresión: asignando los costos de la tolerancia,” *Perspectivas en política, economía y gestión*, 1(1) (1997), 1-15
- “The Speech of Law and the Law of Speech,” *Arkansas Law Review*, 49 (1997), 687-702
- “On the Degree of Confidence for Adverse Decisions,” *Journal of Legal Studies*, 24 (1996), 27-52 (with R. Zeckhauser)
- “Positivism as Pariah,” in Robert George ed., *The Autonomy of Law: Essays on Legal Positivism* (Oxford/Clarendon Press, 1996), 31-56
- “Justice Stevens and the Size of Constitutional Decisions,” *Rutgers Law Journal*, 27 (1996), 543-61
- “Ashwander Revisited,” *The Supreme Court Review 1995* (1996), 177-204
- “Giving Reasons,” *Stanford Law Review*, 47 (1995), 633-59
- “Opinions as Rules,” *University of Chicago Law Review*, 62 (1995), 1455-75
- “Amending the Presuppositions of a Constitution,” in S. Levinson ed., *Responding to Imperfection: The Theory and Practice of Constitutional Amendment* (Princeton University Press, 1995), 145-61
- “Too Hard: Unconstitutional Conditions and the Chimera of Constitutional Consistency,” *Denver University Law Review*, 72 (1995), 989-1005
- “Fuller’s Internal Point of View,” *Law and Philosophy*, 12 (1994), 285-312
- “Free Speech in a World of Private Power,” in T. Campbell & W. Sadurski eds., *Freedom of Communication* (Dartmouth/Gower, 1994), 1-16
- “Judicial Review of the Devices of Democracy,” *Columbia Law Review*, 94 (1994), 1326-47
- “Jeftina Tolerancija” (Cheap Tolerance), *Filozofska Istrazivanja*, 55 (1994), 835-48 (Croatian), and *Synthesis Philosophica*, 9 (1994), 439-54 (English) (with R. Zeckhauser)

- “Commensurability and Its Constitutional Consequences,” *Hastings Law Journal*, 45 (1994), 785-812
- “The Phenomenology of Speech and Harm,” *Ethics*, 103 (1993), 635-53
- “Constitutional Positivism” (The Day, Berry & Howard Lecture), *Connecticut Law Review*, 25 (1993), 797-828
- “The Political Incidence of the Free Speech Principle” (Rothgerber Lecture), *University of Colorado Law Review*, 64 (1993), 935-58
- “A Comment on the Structure of Rights,” *Georgia Law Review*, 27 (1993), 415-34
- “Uncoupling Free Speech,” *Columbia Law Review*, 92 (1992), 1321-57
- “The Practice and Problems of Plain Meaning,” *Vanderbilt Law Review*, 45 (1992), 715-41
- “Messages, Motives, and Hate Crimes,” *Criminal Justice Ethics*, 11 (1992), 52-54
- “The Questions of Authority” (The Philip Hart Lecture), *Georgetown Law Journal*, 81 (1992), 95-115
- “Free Speech and the Cultural Contingency of Constitutional Categories,” *Cardozo Law Review*, 14 (1992), 865-80
- “The Occasions of Constitutional Interpretation,” *Boston University Law Review*, 72 (1992), 729-46
- “Speaking of Dignity,” in M. Meyer & W. Parent, eds., *Human Dignity, the Bill of Rights, and Constitutional Values* (Cornell University Press, 1992), 178-91
- “The First Amendment as Ideology,” *William and Mary Law Review*, 33 (1992), 853-69
- “Deliberating About Deliberation,” *Michigan Law Review*, 890 (1992), 1187-1202
- “Freedom of Speech” and “Freedom of the Press,” in *The Readers’ Encyclopedia of American History* (Houghton Mifflin, 1992)
- “Roth v. United States,” “Miller v. California,” and “Stanley v. Georgia,” in *the Oxford Encyclopedia of the Supreme Court* (Oxford University Press, 1992)
- “Exceptions,” *University of Chicago Law Review*, 58 (1991), 871-904
- “The Calculus of Distrust,” *Virginia Law Review*, 77 (1991), 653-67
- “The Authority of Legal Scholarship,” *University of Pennsylvania Law Review*, 139 (1991), 1003-17

- “Statutory Construction and the Coordinating Function of Plain Meaning,” *The Supreme Court Review*, 1990 (1991), 231-56
- “Reflections on the Value of Truth,” *Case Western Reserve Law Review*, 41 (1991), 699-724
- “Parsing the Pentagon Papers,” Joan Shorenstein Center (Harvard) Research Paper R-3 (1991)
- “The Determinants of Legal Doubt,” *Michigan Law Review*, 89 (1991), 1295-1301
- “The Bork Nomination” and “Children and the First Amendment,” in *The Encyclopedia of the American Constitution (Supplement)* (Macmillan, 1991)
- “Who Decides,” in J. Lichtenberg, ed., *Democracy and the Mass Media* (Cambridge University Press, 1990), 202-28
- “Rules and the Rule-Following Argument,” *Canadian Journal of Law and Jurisprudence*, 3 (1990), 187-92
- “A Brief Note on the Logic of Rules, With Special Reference to *Bowen v. Georgetown University Hospital*,” *Administrative Law Review*, 42 (1990), 447-55
- “Judicial Self-Understanding and the Internalization of Constitutional Rules” (Rothgerber Lecture), *University of Colorado Law Review*, 61 (1990), 749-71
- “Mrs. Palsgraf and the First Amendment,” *Washington & Lee Law Review*, 47 (1990), 161-70
- “Is the Common Law Law,?” *California Law Review*, 77 (1989), 455-71
- “The Second-Best First Amendment” (The Cutler Lecture), *William and Mary Law Review* 31 (1989), 1-23
- “The Aim and the Target in Free Speech Methodology,” *Northwestern University Law Review*, 83 (1989), 562-68
- “Rules, the Rule of Law, and the Constitution,” *Constitutional Commentary*, 6 (1989), 69-85 and in *The Evolving U.S. Constitution* (Academica Sinica, 1989), 193-215
- “Constitutional Conventions,” *Michigan Law Review*, 88 (1989), 1407-17
- “Harry Kalven and the Perils of Particularism,” *University of Chicago Law Review*, 56 (1989), 397-414
- “Marking Time,” *Georgetown Law Journal*, 77 (1989), 1959-66
- “Formalism,” *Yale Law Journal*, 97 (1988), 509-48

“Judging in a Corner of the Law,” *Southern California Law Review*, 61 (1988), 1717-33

“Commercial Speech and the Architecture of the First Amendment,” *University of Cincinnati Law Review*, 56 (1988), 1181-1203

“Precedent,” *Stanford Law Review*, 39 (1987), 571-605

“Rights as Rules,” *Law and Philosophy*, 5 (1987), 115-19

“The Constitution as Text and Rule,” *William and Mary Law Review*, 29 (1987), 41-51

“Authority and Indeterminacy,” *NOMOS*, 29 (1987), 28-37

“The Role of the People in Free Speech Theory,” *California Law Review*, 74 (1987), 761-88

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- “Refining the Lawmaking Function of the Supreme Court,” *University of Michigan Journal of Law Reform*, 17 (1983), 1-24
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“Obscenity and the Conflict of Laws,” *West Virginia Law Review*, 77 (1975), 377-400

#### HONORS, AWARDS, ETC.

Fellow, American Academy of Arts and Sciences (elected 1993)

Guggenheim Fellowship, 2001-2002

George Eastman Visiting Professor and Professorial Fellow of Balliol College, Oxford University, 2007-2008

Chair, Committee on Philosophy and Law, American Philosophical Association, 2006-08

Board of Governors, MacArthur Foundation Law and Neuroscience Project, 2006 – 2010

Vice-President, American Society for Political and Legal Philosophy, 1996-98

Chair, Section on Constitutional Law, Association of American Law Schools, 1985-87

Co-Founder and Co-Editor, *Legal Theory*, 1995-2000, Editorial Board, since 2000

Editorial Board, *Ethics*, 1991-2006

Advisory Board, Yeoh Tiong Lay Centre for Politics, Philosophy and Law, King’s College London, 2015-

Editorial Board, *Communication Law and Policy*, 1994-2002



Editorial Board, *Journal of Legal Analysis*, 2009-

Editorial Board, *Recht en Methode*, 2011-

Editorial Board, *Argumenta*, 2013-

Board of Visitors, Faculty of Law, University di Tella, Buenos Aires, 2004 –

Board of Visitors, Nelson Rockefeller Center for Public Policy, Dartmouth College, 2000-2008

Fellow, Radcliffe Institute for Advanced Study, Harvard University, 2002-2003

Recipient of the Marshall-Wythe Medallion, College of William and Mary, 2011

Seegers Lecture, Valparaiso University, 2016

Nathaniel Nathanson Memorial Lecture, University of San Diego, 2015

Julius Stone Address, University of Sydney, 2014

Clough Distinguished Lecture in Jurisprudence, Boston College, 2013

Daniel Meador Lecture, University of Alabama, 2013

Hartman Hotz Lecture, University of Arkansas, 2012

John Randolph Tucker Lecture, Washington and Lee University, 2011

David C. Baum Memorial Lecture, University of Illinois College of Law, 2010

Sibley Lecture, University of Georgia School of Law, 2009

Melville Nimmer Memorial Lecture, UCLA School of Law, 2009

‘Or ‘Emet Lecture, Osgoode Hall Law School, York University, 2009

Ben Beinart Memorial Lecture, University of Cape Town, South Africa, 2008

Henry J. Miller Lecture, Georgia State University, 2007

Radio Telefis Eireann Broadcasting, Society and the Law Lecture, 2007

J. Byron McCormick Lecture, University of Arizona, 2006

Willard Pedrick Lecture, Arizona State University, 2004

Florence Davis Dean Lecture, University of Vermont, 2004

Robert S. Marx Lecture, University of Cincinnati, 2000

Donley Lecture, West Virginia University, 2000

James Moffett '29 Lecture, Princeton University, 1999

*Propter Honoris Respectum*, Notre Dame Law School, 1996 (*Notre Dame Law Review*, 72 (1997), 1309-1596)

Honoree, Symposium on Legal Reasoning and the Work of Frederick Schauer, Quinnipiac Law School, 1997 (published as Linda Meyer ed., *Rules and Reasoning: Essays in Honour of Fred Schauer* (Hart Publishing, 1999))

George Rudolph Distinguished Lecture, University of Wyoming, 1994

Martha Boaz Distinguished Lecture, University of Michigan School of Information, 1993

Phelps Lecture, Tulane University, 1993

Clason Lecture, Western New England College of Law, 1993

Philip Hart Memorial Lecture, Georgetown University, 1992

Day, Berry, and Howard Lecture, University of Connecticut, 1992

Rothgerber Speaker, University of Colorado, 1990, 1993

Cutler Lecture, College of William and Mary, 1989

Bush Foundation Lecture, Hamline University, 1987

Rubin Forum Lecture, Columbia University, 1987

Ohio Humanities Council Speaker, University of Dayton, 1987

Legacy of George Mason Lecture, George Mason University, 1983

Visiting Professor, Faculty of Law, University of Western Ontario, 2010

Visiting Professor, Interdisciplinary Center Herzliya, Israel, 2010

Distinguished Visitor, New York University School of Law, 2003

Distinguished Visiting Professor, University of Toronto Faculty of Law, 2001

Visiting Professor, National University of Singapore, 2000

Visiting Professor, University of the North, Pietersburg, South Africa, 1995

Visiting Fellow, Research School of Social Sciences, Australian National University, 1993, 1998

Chair, American Bar Association Central and East European Law Initiative, Working Group on Mass Demonstration Law in Belarus, 1993

Legal Advisor, Asia Foundation (Mongolia, 1993), United Nations Development Program (Vietnam 2000, 2004), United States State Department (Estonia, 1992), Constitutional Committee of the Faroe Islands (2001)

Distinguished Teaching Award, Harvard University (one of 20 university-wide), 2004

Professor of the Year, College of William and Mary, 1979

Commissioner, Attorney General's Commission on Pornography, United States Department of Justice, 1985-96

American Bar Association Certificate of Merit for *Free Speech: A Philosophical Enquiry*, 1983

National Endowment of the Humanities Fellowship, 1980

Private First Class (Artillery) Massachusetts Army National Guard, active duty, November 1970-April 1971, Honorable Discharge, June 1972

Member of the Bar of the Commonwealth of Massachusetts and the Supreme Court of the United States