

# G. Edward White

## Curriculum Vitae

### Academic Experience

- 2012 (Spring) Legal Research Foundation Distinguished Visiting Scholar, University of Auckland
- 2010 (Winter) Charles Warren Visiting Professor in American Legal History, Harvard Law School
- 2005 (Fall) Visiting Hallsworth Professor, London School of Economics
- 2003- David and Mary Harrison Distinguished Professor, University of Virginia School of Law
- 2001- University Professor, University of Virginia
- 1992-2003 University Professor and John B. Minor Professor of Law and History,  
University of Virginia
- 1998-2001,  
2006-2008 Director, Program on Legal and Constitutional History,  
University of Virginia School of Law
- 1990-92 John B. Minor Professor of Law and History and Sullivan and Cromwell Research  
Professor, University of Virginia
- 1988 (Fall) Harlan Distinguished Visiting Professor, New York Law School
- 1988 (Spring) Lee Distinguished Visiting Professor, Marshall-Wythe School of Law, College  
of William and Mary
- 1987-90 John B. Minor Professor of Law and History, University of Virginia
- 1986-87 Professor of Law and History, University of Virginia
- 1977-85 Professor of Law, University of Virginia
- 1974-77 Associate Professor of Law, University of Virginia
- 1972-74 Assistant Professor of Law, University of Virginia
- 1971-72 Law Clerk, Justice Earl Warren, Supreme Court of United States
- 1968 Assistant Professor of American Studies, Claremont Graduate School (summer)

### Education

B.A. Amherst College, 1963, magna cum laude, Phi Beta Kappa  
M.A., Ph.D. Yale University, 1964, 1967 (American Studies)  
J.D. Harvard Law School, 1970

### Professional Activities

Board of Directors, James Madison's Montpelier, 2012-14

Member, American Law Institute, 1988-

Seminar Director, Seminar in Modern Legal History, University of Western Ontario,  
summer, 1987.

Delegate in Law, Oxford University Press, 1986-96.

Editorial Board, Virginia Quarterly Review, 1980-2003.

Editor, Studies in Legal History, American Society for Legal History and University of North Carolina Press, 1980-1986.

Board of Directors, American Society for Legal History, 1978-81.

Commissioner, Commission on Undergraduate Education in Law and the Humanities, 1978-81.

Seminar Director, Humanities Seminar for Lawyers and Judges, National Endowment for the Humanities, 1977 and 1979 (summers).

### **Endowed Lectureships**

Collegio de Mexico Lecture, Mexico City, 2017

Acker Lecture, Birmingham Southern College, 2017

Contextual Lecture, Dulwich Picture Gallery, London, 2016

Hendricks Law and History Lecture, Washington & Lee Law School, 2010

Taft Lecture, University of Cincinnati Law School, 2008

Monsanto Lecture, Valparaiso Law School, 2005

Knowlton Lecture, University of South Carolina Law School, 2005

Quinlan Lecture, Oklahoma City University Law School, 2003

Distinguished Lecture, Boston University Law School, 2002.

Kormendy Lecture, Ohio Northern University, 2002.

John Marshall Lecture, Whittemore/Kaplan Lecture Series, Boston Bar Foundation, 2001 (Inaugural Lecture).

Keynote Address, Marshall Court Conference, John Marshall Law School, 2000.

Swinford Lecture, University of Kentucky, 1999.

Jerome Hall Lecture, Hastings College of Law, 1997 (Inaugural Lecture).

Keck Lecture, Amherst College, 1996.

North Lecture, Franklin & Marshall College, 1996.

Rosenthal Lectures, Northwestern Law School, 1995.

Constitutional Theory Lecture, University of Paris, 1994.

Neesima Lectures, Doshisha University (Japan), 1991.

Fulton Lecture, University of Chicago, 1990.

Wythe Lecture, College of William & Mary, 1988.

Centennial Lecture, Georgetown University, 1987.

Sullivan Lecture, Capital University, 1987.

Ray Lecture, Southern Methodist University, 1986.

Hotz Distinguished Lecture, University of Arkansas, 1985.

Mellon Lecture, University of Pittsburgh, 1983.

Donahue Lecture, Suffolk Law School, 1982.

Hofstra University Lecture, Hofstra University, 1982.

Rohrschach Lecture, Rice University, 1981.

Frankel Lecture, Houston College of Law, 1981.

## **Selected Honors and Awards**

Choice Award for Outstanding Academic Book, 2012  
Sutherland Prize, American Society for Legal History, 2009  
Roger and Madeleine Traynor Award for Scholarship, University of Virginia School of Law, 2008  
Green Bag Awards for Exemplary Legal Writing, 2009, 2007  
Association of American Publishers Award, 2001, 1994  
Surrency Prize, American Society for Legal History, 1998  
Triennial Book Award, Order of the Coif, Association of American Law Schools, 1996  
Littleton-Griswold Prize, American Historical Association, 1994  
Scribes Award, Society of Writers on Legal Subjects, 1994  
Silver Gavel Awards, American Bar Association, 1994, 1983, 1981, 1979  
James Willard Hurst Prize, Law and Society Association, 1989  
Fellow, American Academy of Arts & Sciences  
Fellow, Center for Advanced Study in the Behavioral Sciences  
Fellow, Society of American Historians  
Member, American Law Institute  
Guggenheim Fellowship, 1984-85  
National Endowment for Humanities Senior Fellowship, 1977-78, 1983-84  
Final Listing, Pulitzer Prize in American History, 1969

## **Publications**

### **Books**

*Law in American History: Volume Three, 1920-2000* (Oxford University Press), 2019

*Law in American History: Volume Two, From Reconstruction Through the 1920s* (Oxford University Press), 2016

*American Legal History: A Very Short Introduction* (Oxford University Press), 2014

*Law in American History: Volume One, From the Colonial Years Through the Civil War* (Oxford University Press), 2012. Choice Award for Outstanding Academic Book, 2012

*Oliver Wendell Holmes' The Common Law* (editor) (Belknap Press of Harvard University Press), 2009.  
Green Bag Award for Exemplary Legal Writing, 2009

*History and the Constitution: Collected Essays* (Carolina Academic Press), 2007

*The American Judicial Tradition* (Oxford), 1976, paperback ed. 1978. Second edition, 1988. Third edition, 2007

*Oliver Wendell Holmes, Jr.* (Oxford), 2006. Green Bag Award for Exemplary Legal Writing, 2007

*Alger Hiss's Looking-Glass Wars: The Covert Life of a Soviet Spy* (Oxford), 2004, paperback ed. 2005

*The Constitution and the New Deal* (Harvard), 2000, paperback ed. 2001  
Honorable Mention in Law, Association of American Publishers, 2001

*Oliver Wendell Holmes, Sage of the Supreme Court* (Oxford), 2000

*Creating the National Pastime: Baseball Transforms Itself* (Princeton), 1996, paperback ed. 1997  
Finalist, Seymour Medal, Society of American Baseball Researchers, 1997

*Intervention and Detachment: Essays in Legal History and Jurisprudence* (Oxford), 1994

*Justice Oliver Wendell Holmes: Law and the Inner Self* (Oxford), 1993, paperback ed., 1994  
Winner, Triennial Coif Award, Association of American Law Schools, 1996; American Historical Association Littleton-Griswold Prize, 1994; American Bar Association Gavel Award, 1994; Scribes Award, 1994; Association of American Publishers Award, 1994

*The Marshall Court and Cultural Change, 1815-1835*. Volume Three in the Oliver Wendell Holmes Devise History of the Supreme Court of the United States (Macmillan, 1988).  
Winner, James Willard Hurst Prize, 1989-90. Abridged Edition (Oxford), 1991

*Earl Warren: A Public Life* (Oxford), 1982, paperback edition, 1987  
Winner, American Bar Association Gavel Award, 1983

*Tort Law in America: An Intellectual History* (Oxford), 1980, paperback ed. 1985  
Winner, American Bar Association Gavel Award, 1981. Second edition, 2003

*Patterns of American Legal Thought* (Bobbs-Merrill), 1978, paperback ed. 1983  
Winner, American Bar Association Gavel Award, 1979

*The Eastern Establishment and the Western Experience: The West of Frederic Remington, Theodore Roosevelt, and Owen Wister* (Yale), 1968. Second edition, (Texas), 1989.  
Final Listing, Pulitzer Prize in American History, 1969

### **Selected Articles, Essays, and Book Chapters**

“Cheating in Baseball: Reflections on Electronic Sign-Stealing,.” 23 Green Bag 2d 131 (2020)

“The Historiographical Context of *Revisiting James Bradley Thayer*,” 114 Nw. U. Rev. online 148 (2020)

“From the Third to the Fourth Restatement of Foreign Affairs: The Rise and Potential Fall of Foreign Affairs Exceptionalism,” in Sarah H. Cleveland and Paul B. Stephen, eds., *The Restatement and Beyond: The Past, Present, and Future of U.S. Foreign Relations Law* (Oxford, 2020)

“Oliver Wendell Holmes, Louis D. Brandeis, y la transformacion de la jurisprudencia estadounidense durante la era progresista” (“Oliver Wendell Holmes, Louis D. Brandeis, and the Transformation of American Jurisprudence During the Progressive Era,” in Jose Ramon Cossio, Pablo Mijanos, and Erika Pani, eds., *Derecho Y Cambio Social en la Historia (Law and Social Change in History)* (El Colegio de Mexico, 2019)

[with Kenneth S. Abraham]. “The First Amendment and the Constitutionalization of Tort Liability,” 98 Texas L. Rev. 813 (2020).

[with Kenneth S. Abraham], “Torts Without Names, New Torts, and the Future of Liability for Intangible Harm,” 68 Am. U. L. Rev. 2089 (2019)

“Falsity and the First Amendment,” 72 S.M.U. L. Rev. 513 (2019)

“Looking Backward and Forward at the Suspension Clause,” 117 Mich. L. Rev 1313 ( 2019)

[with Kenneth S. Abraham], “The Puzzle of the Dignitary Torts,” 104 Corn. L. Rev. 317 ( 2019)

[with Kenneth S. Abraham], “Recovering *Wagner v. International Railway*,” 34 Touro L. Rev. 101 (2018)

“A Lost Search for a Generic Tort Action Protecting ‘Peace of Mind,’” 11 J. Tort Law 5 (2018)

[with Kenneth S. Abraham], “The Transformation of the Civil Trial and the Emergence of American Tort Law,” 59 Ariz. L. Rev. 431 (2017)

“Law on Nantucket,” 19 Green Bag 2d. 369 (2016)

“Looking Backward: Harvard Law School As Seen From 2016,” 21 Weekly Standard 34 (2016)

“Justice Holmes and the Civil War,” 40 J. Sup. Ct. Hist. 314 (2015).

“Intellectual History and Constitutional Decision Making,” 101 Va. L. Rev. 1165 (2015)

“The Lost Episode of *Gong Lum v Rice*,” 18 Green Bag 2<sup>nd</sup> 191 (2015)

[with Kenneth S. Abraham], “Prosser And His Influence,” 6 J. Tort Law 1 (2015)

“The Emergence and Development of Tort Law,” 11 St. Thomas L. J. 463 (2014)

“The Origins of Civil Rights in America,” 64 Case West. L. Rev. 755 (2014).

“The Evolution of First Amendment Protection for Compelled Commercial Speech,” 29 J. L.& Pol. 481 (2014).

“Towards a Historical Understanding of Supreme Court Decisionmaking,” 91 Denver U. L. Rev. Onl. 201 (2014).

“Charles Beard and Progressive Legal Historiography,” 29 Const. Comm. 101 (2014)

“From the Second Restatements to the Present: The ALI’s Recent History and Current Challenges,” 16 Green Bag 2<sup>nd</sup> 306 (2013).

“On the Other Hand...” 18 Weekly Standard 34 (2013)

“*West Coast Hotel*’s Place in American Constitutional History,” 122 Yale L.J. Online 69 (2012)

“Determining Notoriety in Supreme Court Decisions,” 39 Pepperdine L. Rev. 197 (2011)

“The Political Economy of the Original Constitution,” 35 Harv. J. L. & Pub. Policy 61 (2011).

“Recovering the Legal History of the Confederacy,” 68 Wash. & Lee L. Rev. 467 (2011)

- “The Lost Internment,” 14 Green Bag 283 (2011).
- “The Lost Origins of American Judicial Review,” 78 Geo. Wash. L. Rev. 101 (2010)
- “The Origins of Modern American Legal History,” in Daniel W. Hamilton and Alfred L. Brophy, eds., *Transformations in American Legal History* 48-63 (2010).
- “Alexander Vassiliev and Alger Hiss, Part 2,” 13 Green Bag 2d. 85 (2009)
- “Alexander Vassiliev & Alger Hiss, Part 1,” 12 Green Bag 2d. 459 (2009)
- “Revisiting the Ideas of the Founding Generation,” 77 U.Cinn. L. Rev. 969 (2009).
- “Neglected Justices: Discounting For History,” 62 Vand. L. Rev.319 (2009)
- “A Conversation Among Legal Biographers,” 23 Focus 1 (2008)
- “The Suspension Clause,” 94 Va. L. Rev.575 (2008) (with Paul Halliday) Winner, Sutherland Prize for best article in English legal history, 2008, American Society for Legal History
- “Law Librarians,” 11 Green Bag 2d. 81 (2007)
- “The Free Agency Phenomenon,” 10 Green Bag 2d. 347 (2007)
- “A Customary International Law of Torts,” 41 Val. U. L. Rev. 755 (2006)
- “The Internal Powers of the Chief Justice: The Nineteenth Century Legacy,” 154 U. Pa. L. Rev. 1463 (2006).
- “Historicizing Judicial Scrutiny,” 57 S.C. L. Rev. 1 (2005)
- “Constitutional Change and the New Deal: The Internalist/Externalist Debate,” 110 Am. Hist. Rev 1094 (2005)
- “The Reinstatement of Alger Hiss’s Law License,” 8 Green Bag 2d. 145 (2005)
- “Getting Close To H.L.A. Hart,” 29 Melbourne U. L. Rev. 317 (2005)
- “Unpacking the Idea of the Judicial Center,” 83 North Carolina Law Review 1089 (2005)
- “Justices and Electoral College Elections,” 7 Green Bag 2d. 387 (2004)
- “The Constitutional Journey of *Marbury v. Madison*,” 89 Va. L. Rev. 1463 (2003)
- “Authorized Judicial Biography: A Cautionary Tale,” 7 Green Bag 2d.71 (2003)
- “Alger Hiss’s Campaign For Vindication,” 83 B.U. L. Rev.1 (2003)
- “The Arrival of History in Constitutional Scholarship,” 88 Va. L. Rev. 485 (2002).
- “Hiss and Holmes,” 28 Ohio Northern U. L. Rev. 321 (2002).

“Felix Frankfurter’s ‘Soliloquy’ in *Ex parte Quirin*,” 5 Green Bag 2d. 423 (2002).

“Reassessing John Marshall,” 58 William & Mary Q. 673 (2001).

“The Unexpected Persistence of Negligence, 1980-2000,” 54 Vand. L. Rev. 1337 (2001).

“Looking At Holmes Looking At Marshall,” 7 Mass. L. Hist. 63 (2001).

“Recovering the World of the Marshall Court,” 33 John Marshall L. Rev. 781 (2000).

“The Alger Hiss Case,” 4 Green Bag 2d. 17 (2000).

“Observations on the Turning of Foreign Affairs Jurisprudence,” 70 U. Colo. L. Rev. 1109 (1999).

“Analogical Reasoning and Historical Change in Law: The Regulation of Film and Radio Speech,” in Austin Sarat, ed., History, Memory and Law (1999).

“The Transformation of the Constitutional Regime of Foreign Relations,” 85 Va. L. Rev. 1 (1999).

“The Chancellor’s Ghost,” 74 Chi-Kent L. Rev. 229 (1998)

“The Constitutional Revolution as a Crisis in Adaptivity,” 48 Hast. L. J. 867 (1997).

“Revisiting Substantive Due Process and Holmes’ Lochner Dissent,” 63 Brooklyn L. Rev. 87 (1997).

“Investing In Holmes At The Millennium,” 110 Harv. L. Rev. 1049 (1997).

“The American Law Institute and The Triumph of Modernist Jurisprudence,” 15 Law & History Rev. 1 (1997). Winner, Surrency Prize for best article in American legal history, 1997, American Society for Legal History

“The First Amendment Comes of Age,” 95 Mich. L. Rev. 299 (1996).

“Cabining the Constitutional History of the New Deal in Time,” 94 Mich. L. Rev. 1392 (1996).

“Samuel Portland Chase and the Judicial Culture of the Supreme Court in the Civil War Era,” in Jennifer M. Lowe, ed., The Supreme Court and the Civil War (1996).

“The Canonization of Holmes and Brandeis,” 70 N.Y.U. L. Rev. 576 (1995).

“Reading the Guarantee Clause,” 65 U. Colo. L. Rev. 787 (1994).

“Reflections on the Republican Revival: The Reception of Interdisciplinary Scholarship in the Legal Academy,” 6 Yale J. Law & Humanities 1 (1994).

“Revisiting James Bradley Thayer,” 88 Nw. U. L. Rev. 28 (1993).

“Reconstructing the Constitutional Jurisprudence of Samuel P. Chase,” 21 No. Ky. L. Rev. 41 (1993).

“Earl Warren's Influence on the Warren Court,” in Mark Tushnet, ed., The Warren Court in Historical and

Political Perspective (University Press of Virginia), 1993.

“Transforming History in the Postmodern Era,” 91 Mich. L. Rev. 1315 (1993).

“Justice Holmes and the Modernization of Free Speech Jurisprudence: The Human Dimension,” 80 Calif. L. Rev. 391 (1992).

“Hans Linde As Constitutional Theorist,” 70 Ore. L. Rev. 707 (1991).

“Holmes’s Life Plan,” 66 N.Y.U. L. Rev. 1409 (1990).

“Holmes As Correspondent,” 43 Vand. L. Rev 1707 (1990).

“Would You Like to Do Lunch With Holmes?,” 61 U. Colo. L. Rev. 737 (1990).

“Recovering Coterminous Power Theory: The Lost Dimension of Marshall Court Sovereignty Cases,” 14 Nova L. Rev. 155 (1989). Reprinted in M. Marcus, ed., *The Judiciary Act of 1789* (Oxford, 1991).

“The Marshall Court and International Law,” 83 Am. J. Intl. Law 727 (1989). Reprinted in Louis Henkin et al eds., *Foreign Affairs and the U.S. Constitution* ( Transnational Publishers, 1990).

“The Setting of the Marshall Court,” in Jack David and Robert McKay, eds., *The Blessings of Liberty* (Random House, 1989)

“Recapturing New Deal Lawyers,” 102 Harv. L. Rev. 489 (1988).

“Chief Justice Marshall, Justice Holmes, and the Discourse of Constitutional Adjudication,” 30 Wm. & Mary L. Rev. 131 (1988).

“The Parable As Legal Scholarship,” 87 Mich. L. Rev. 1508 (1988).

“The Anti-Judge: William O. Douglas and the Ambiguities of Individuality,” 74 Va. L. Rev. 17 (1988).

“The Studied Ambiguity of Horwitz's Legal History,” 29 Wm. & Mary L. Rev. 101 (1987).

“Tort Reform In the Twentieth Century: A Historical Perspective,” 32 Vill. L. Rev. 6 (1987).

“From Realism to Critical Legal Studies: A Truncated Intellectual History,” 40 Southwestern L.J.819 (1986).

“Looking at Holmes in the Mirror,” 4 Law and Hist. Rev. 439 (1986).

“Felix Frankfurter, The Old Boy Network, and the New Deal: The Placement of Lawyers in Public Service in the 1930s,” 39 Ark. L. Rev. 400 (1986).

“The Working Life of the Marshall Court,” 70 Va. L. Rev. 1 (1984).

“The Inevitability of Critical Legal Studies,” 35 Stan. L. Rev. 649 (1984)

“Roger Traynor,” 69 Va. L. Rev. 1381 (1983).

“Judicial Activism and the Integrity of the Legal Profession,” 67 Judicature 246 (1983).



“The Text, Interpretation, and Critical Standards,” 60 Texas L. Rev. 569 (1982).

“Revising History: Revisiting the Marshall Court,” 16 Suffolk L. Rev. 659 (1982).

“The Integrity of Holmes’ Jurisprudence,” 10 Hofstra L. Rev. 633 (1982).

“Earl Warren as Jurist,” 67 Va. L. Rev. 461 (1981).

“Truth and Interpretation in Legal History,” 79 Mich. L. Rev. 594 (1981).

“The Unacknowledged Lesson: Earl Warren and the Japanese Relocation Controversy,” 55 Va. Q. Rev. 613 (1979).

“Reflections on the Role of the Supreme Court: The Contemporary Debate and the ‘Lessons’ of History,” 63 Judicature 162 (1979).

“The Impact of Social Science on Tort Law, 1880-1910,” 78 Colum. L. Rev. 213 (1978).

“The Intellectual Origins of Torts in America,” 86 Yale L.J. 671 (1977).

“Constitutional Protection for Personal Lifestyles,” 62 Corn. L. Rev. 563 (1977)  
(with J. Harvie Wilkinson).

“The Supreme Court’s Public and the Public’s Supreme Court,” 52 Va. Q. Rev. 370 (1976).

“The Path of American Jurisprudence,” 124 U. Pa. L. Rev. 1212 (1976).

“John Marshall Harlan: The Precursor,” 19 Am. J. Legal Hist. 1 (1975).

“Allocating Power Between Agencies and Courts: The Legacy of Justice Brandeis,” 1974 Duke L.J. 195 (1974).

“The Evolution of Reasoned Elaboration,” 59 Va. L. Rev. 279 (1973).

“From Sociological Jurisprudence to Realism,” 58 Va. L. Rev. 999 (1972).

“Human Dimensions of Wall Street Fiction,” 58 A.B.A.J. 175 (1972).

“The Rise and Fall of Justice Holmes,” 39 U. Chi. L. Rev. 51 (1971).

“The Appellate Opinion as Historical Source Material,” 1 J. Interdisciplinary History 491 (1971).

“The Social Values of the Progressives: Some New Perspectives,” 70 South Atlantic Quarterly 62 (1971).