

CURRICULUM VITAE

KIM LANE SCHEPPELE

CONTACT INFORMATION

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PROFESSIONAL EXPERIENCE

Current Affiliations

Princeton University, 2005-present

- Laurance S. Rockefeller Professor of Sociology and International Affairs in the Woodrow Wilson School and the University Center for Human Values.

University of Pennsylvania Law School, 2005-present

- Faculty Fellow

Professional History

Princeton University, 2005-

- Director, Program in Law and Public Affairs 2005-2015

University of Pennsylvania Law School, 1996 -2005

- John J. O'Brien Professor of Comparative Law 2004-2005
- Professor of Law 1996-2004.
- Professor of Sociology 1996-2005
- Professor of Political Science, 1996-1999.

Central European University, 1994-1998

- Founding Co-Director, Program in Gender and Culture 1996-1998
- Professor of Legal Studies 1994-1996 and Gender Studies 1996-1999

University of Michigan, 1984-1996

- Arthur F. Thurnau Associate Professor of Political Science and Public Policy, 1993-1996.
- Faculty Associate, Center for Russian and East European Studies, 1993-1996.
- Adjunct Associate Professor (1990-1996) and Adjunct Assistant Professor (1986-1990) of Law.
- Associate Professor (1990-1996), Assistant Professor (1985-1990) and Instructor (1984) in

- Political Science.
- Associate Professor (1990-1996), Associate Research Scientist (1990-1996), Assistant Professor (1986-1990) and Assistant Research Scientist (1984-1990) in the Institute of Public Policy Studies.
 - Assistant Professor (1985-1986) and Instructor (1984) in Sociology.

Bucknell University, 1980-1984

- Assistant Professor of Sociology.

Residential Fellowships and Visiting Positions

2018-2019	Old Dominion Fellow, Princeton Humanities Council .
2017	Visiting Professor of Law & John Harvey Gregory Lecturer on World Organization, Harvard Law School , Spring 2017.
2015-2017	Visiting Professor, Erasmus University, The Netherlands on the Faculty of Law, Rotterdam and in the Institute for Social Sciences, the Hague (four weeks each year, visits occur when Princeton is not in session).
2015	Visiting Professor of Law, Humboldt University Faculty of Law (teaching joint course with Georg Nolte, a course listed both at Humboldt for advanced law students and at Princeton for graduate students).
2013-2014	Member, Institute for Advanced Studies, Princeton in both the School of Historical Studies and the School of Social Sciences.
2009-2010	George A. Crawford Visiting Professor of Law and Robina Foundation Senior Fellow, Yale Law School .
2004-2005	Fellow in Law and Public Affairs, Princeton University (on sabbatical from the University of Pennsylvania Law School).
2003	Visiting Fellow, Institute for Law and Policy and Visiting Researcher, Constitutional Court of the Russian Federation , Moscow, Russia (on US National Science Foundation Grant).
1998-1999	Senior Fellow, National Constitution Center , Philadelphia, PA
1996	Fellow at the Internationales Forschungszentrum Kulturwissenschaften , Vienna (on leave from the University of Michigan)
1994-1998	Visiting Researcher, Constitutional Court of Hungary (supported by two National Science Foundation Grants); Visiting Associate Professor, Department of Legal Studies, Central European University and Institute of Sociology, Eötvös Loránd Tudományegyetem (ELTE), Budapest; Tutor, Invisible College (on leave from the University of Michigan),

- 1991-1992 John Rich Faculty Fellow at the **Michigan Institute for the Humanities**.
- 1987-1988 Research Associate, Center for the Study of Law and Society, **School of Law (Boalt Hall), University of California--Berkeley** (on leave from the University of Michigan).
- 1983 Visiting Scholar, **Yale Law School**.
- 1980 Research Associate, Center for the Social Sciences, **Columbia University**.

EDUCATION

- Ph.D. 1985, University of Chicago. Sociology.
- M.A. 1977, University of Chicago. Sociology
- A.B. 1975, Barnard College, Columbia University. Urban Studies.

GRANTS, AWARDS, LECTURESHIPS AND FELLOWSHIPS

- 2019 Presidential Address, Law and Society Association Annual Meeting, June, Washington DC.
- 2019 Participant in the State of the Union, European University Institute, Florence (May)
- 2019 Will give the Harris Lecture, Indiana University Maurer School of Law, January.
- 2018-2019 Old Dominion Fellowship, Princeton Humanities Council.
- 2018 Delivered the keynote lecture at the Midwest Law and Society Association (US), Madison WI (November).
- 2018 Delivered the keynote lecture at the European Law Academy, European University Institute, Florence (July).
- 2018 Plenary speaker for the World Congress of International Constitutional Law, Seoul, Korea (June).
- 2018 Plenary speaker for the ICON-S (International Society for Constitutional Law) meeting in Hong Kong (June).
- 2017 Delivered the keynote lecture in the School of Law and Governance, Dublin City Law School (November).
- 2016 Delivered the Jorge Huneeus Zegers Lecture at Universidad Diego Portales' Law School, Santiago, Chile (November)
- 2016 Delivered the Cecil A. Wright Lecture, University of Toronto Law School ("the Faculty's most significant public Lecture") (October).

- 2016 Elected member of the American Academy of Arts and Sciences.
- 2016 National Science Foundation Law and Social Sciences Division Dissertation Grant (for PhD student Tomasso Pavone). Grant number SES 1628301.
- 2015 Delivered the “opening of the academic year” address at Tilburg University, the Netherlands, September 2015.
- 2015 Delivered inaugural Violetta Magyar Lecture in Hungarian Studies at Case Western Reserve University, April 2015.
- 2014 Received the Harry J. Kalven Prize, Law and Society Association, “for empirical scholarship that has contributed to the advancement of research in law and society. . . . given in recognition of a body of scholarly work, at least some of which has been completed within the past few years.”
- 2014 Invited faculty member for the 9th Circuit Judicial Conference, Monterey, CA.
- 2013 Member at the Institute for Advanced Studies, chosen separately by both the School of Historical Studies and the School of Social Sciences, and accepted as a joint member of both schools.
- 2013 Invited to be a fellow at the *Wissenschaftskolleg*, Berlin (deferred)
- 2012 National Science Foundation Law and Social Sciences Division Dissertation Grant (for PhD student Karen Levy). Grant SES 1228436.
- 2012 National Science Foundation Law and Social Sciences Division Dissertation Grant (for PhD student Sarah Kaiksow). Grant SES 1228445.
- 2011 Elected Associate Member of the International Academy of Comparative Law.
- 2011 Delivered Rosenthal Lectures at Northwestern University Law School, September 2011 (three lectures).
- 2011 Delivered Eckstein Lecture, University of California at Irvine, Department of Political Science, October 2011.
- 2011 Delivered Annual Distinguished Lecture, the Washington and Lee Law School, January 2011.
- 2010 National Science Foundation Law and Social Sciences Division Dissertation Grant (for PhD student Yael Berda). Grant SES 1061227.
- 2010 Delivered inaugural *Public Law* Lecture in Glasgow, Scotland (February 2010).
- 2009 Delivered the Annual Distinguished Lecture, Boston University School of Law (November 2009)

- 2009 Delivered Constitutional Day Lecture, Princeton University (September 2009).
- 2007 National Science Foundation Law and Social Sciences Division Dissertation Grant (for PhD student Deborah Becher). Grant # SBE 06-48083.
- 2004-2005 Fellow in Law and Public Affairs, Princeton University.
- 2004-2005 Russell Sage Foundation Fellow (declined).
- 2004-2005 Woodrow Wilson Center Scholar (declined).
- 2004 Distinguished Visitor, Institute for Legal Studies, Northwestern University.
- 2003 Salzburg Seminar Fellow, Section 412: Social and Economic Dimensions of Human Rights.
- 2002 Robert A. Gorman Teaching Award for excellence in 2L and 3L law-school teaching, University of Pennsylvania Law School.
- 2001-2005 National Science Foundation Grant from the Law and Social Sciences Division to study the Russian Constitutional Court. Grant # SBE 01-11963.
- 1999-2000 Research grant from the Scholarly Research Fund, University of Pennsylvania.
- 1998-1999 Senior Fellow, National Constitutional Center, Philadelphia PA.
- 1996 Research Fellowship, *Internationales Forschungszentrum Kulturwissenschaften*, Vienna (January-April 1996).
- 1995 Research Grant from the International Institute, University of Michigan, to study Constitutional Drafting in Hungary.
- 1995 National Science Foundation Law and Social Sciences Division Dissertation Grant (for PhD student Vivian Dames). Grant SBE 94-22660.
- 1994-1996 National Science Foundation Law and Social Sciences Grants to Study the Hungarian Constitutional Court and Constitutional Drafting in Hungary. Grants SBE 94-11889 and SBE 95-14174 (SGER).
- 1994-1995 Fulbright Scholar Award for Hungary (declined).
- 1994-1995 Rackham International Partnership Program Grant from the University of Michigan with Antal Örkeny, *Eötvös Loránd Tudományegyetem*, Budapest.
- 1993-1996 Arthur F. Thurnau Professorship, University of Michigan.
- 1992 -1994 National Science Foundation Law and Social Sciences Dissertation Grant (for PhD student Cary Coglianesse). Grant SBE 92-11920.

- 1991 John Rich Faculty Fellowship at the Michigan Institute for the Humanities.
- 1991 Rackham Research Partnership Award with Cary Coglianese.
- 1990 Special Recognition in the Distinguished Scholarly Publication competition of the American Sociological Association for **Legal Secrets**. (The Distinguished Scholarly Publication Award is given for the best book published in the discipline of sociology in the preceding three years.)
- 1990 Class of 1923 Teaching Award (Award presented for undergraduate teaching in the College of Literature, Science and the Arts at Michigan.)
- 1990 Faculty Recognition Award, University of Michigan. (Award presented for "outstanding contribution as a teacher, scholar and member of the University community.")
- 1988 Collegiate Fellows Grant, University of Michigan.
- 1987-1988 Junior Leave, University of Michigan.
- 1987 Rosenberger Dissertation Prize, University of Chicago. (Best doctoral dissertation in sociology written at the University of Chicago 1984-1987.)
- 1986, 1992 **Advice** Teaching Award for Undergraduate Teaching, University of Michigan (awarded by students).
- 1986 Rackham Fellowship and Grant, University of Michigan.
- 1985 Corwin Prize, American Political Science Association. (Best doctoral dissertation in public law, 1983-1984.)

BIBLIOGRAPHY

- "Unconstitutional Constituent Power." In Rogers Smith and Ricard Beeman (eds.), **Making Modern Constitutions**. University of Pennsylvania Press, 2019.
- "Defending Democracy in EU Member States: Beyond Article 7 TEU " With R. Daniel Kelemen. Forthcoming in Francesca Bignami (ed.), **The EU at a Crossroads: From Technocracy to High Politics?** Oxford University Press, 2019.
- "The Legal Complex and Lawyers-in-Chief." Forthcoming in Roseann Greenspan, Jonathan Simon and Hadar Aviram (eds.), **The Legal Process and the Promise of Justice**. Cambridge University Press, 2019.
- "The End of 'The End of History'." Forthcoming, **Toronto Law Journal**, 2019.
- "Autocracy Under Cover of the Transnational Legal Order." Pp. 188-233 in Tom Ginsburg, Terry Halliday and Greg Shaffer (eds.). **Constitution-Making and the Transnational Legal Order**. Cambridge

University Press, 2019.

“The Fragility of an Independent Judiciary: Lessons from Hungary and Poland – and the European Union.” With Kriszta Kovács. 51 *Journal of Communist and Post-Communist Studies* 189-200 (2018).

“The Party’s Over.” Pp. 495-515 in Mark Graber, Sanford Levinson and Mark Tushnet (eds.), *Constitutional Democracy in Crisis?* Oxford University Press, 2018.

“Autocratic Legalism.” 85 *University of Chicago Law Review* 545-583 (2018), [available here](#).

“Illiberalism Within: Rule of Law Backsliding in the European Union.” With Laurent Pech. *Cambridge Yearbook of European Law 2017*, [available here](#).

“The Social Life of Constitutions.” In Christopher Thornhill and Paul Blokker (eds.), *Sociological Constitutionalism* (Cambridge University Press, 2017).

“Constitutional Coups in EU Law.” In Maurice Adams, Ernst M.H. Hirsch Ballin, and Anne Meuwese (eds.), *Constitutionalism and Rule of Law – Bridging Idealism and Realism* (Cambridge University Press, 2017).

“Hungary’s Post-Communist Administrative Law Revolutions” (with Krisztina Kovács). In Susan Rose-Ackerman and Peter Lindseth (eds.), *Comparative Administrative Law, 2d Edition*. (Edward Elgar Publishers, 2017).

“Enforcing the Basic Principles of EU Law through Systemic Infringement Procedures.” In Dimitry Kochenov and Carlos Closa (eds.), *Reinforcing the Rule of Law Oversight in the European Union* (Cambridge University Press, 2016).

“The Deep Dilemma of Evidence in the Global Anti-Terror Campaign.” In Vicki Jackson and Federico Fabbrini (eds.), *Constitutionalism across Borders in the Struggle Against Terrorism* (Edward Elgar, 2016).

“Legal Translation” with David Bellos. In Elizabeth Mertz and Stuart Macaulay (eds.), *The New Legal Realism: Translating Law-and-Society for Today’s Legal Practices* (Cambridge University Press, 2016).

Foreword (pp. xv-xxiv) to Bálint Magyar, *The Post-Communist Mafia State*. Central European University Press, 2016.

“Understanding Hungary’s Constitutional Revolution.” In Armin von Bogdandy & Pál Sonnevend (eds.), *Constitutional Crisis in the European Constitutional Area* (Hart Publishing, 2015).

“Humanistic Tactics: Human Rights and the Humanities.” In Peter Brooks and Hilary Jewett (Eds.) *The Humanities and the Public Sphere* (Fordham University Press, 2015).

“Constitutional Coups and Judicial Review: How Transnational Institutions Can Strengthen Peak Courts at Times of Crisis (with Special Reference to Hungary).” 23 *Journal of Transnational Law and*

Contemporary Problems 51-117 (2014).

“The Empire of Security and the Security of Empire.” 27 ***Temple Journal of Comparative and International Law*** 241-278 (2014).

“The Rule of Law and the Frankenstate: Why Governance Checklists Do Not Work.” 26 ***Governance*** 559-562 (2013).

“Jack Balkin is an American.” 25 ***Yale Journal of Law and the Humanities*** 23-42 (2013).

“The Empire’s New Laws: Terrorism and the New Security Empire after 9/11.” Pp. 245-278 in George Steinmetz (ed.), ***Sociology and Empire***. (Duke University Press, 2013).

“Collateral Damage: The Legacy of 9/11 in International Law.” ***Berlin Journal*** No. 23(1): 31-34 (Fall 2012).

“From Separation of Powers to Government without Checks: Hungary’s Old and New Constitutions.” With Miklós Bánkúti and Gábor Halmai. In Gábor Tóth (ed.), ***Constitution for a Divided Nation: Hungary’s Fundamental Law*** (Budapest: Central European University Press, 2012).

“On the Unconstitutionality of Constitutional Change: An Essay in Honor of László Sólyom.” In Pál Sonnevend, Balázs Schanda and Zoltán Csehi (eds.), ***Liber Amicorum in Honor of László Sólyom***, Budapest, 2012.

“Hungary’s Illiberal Turn: Dismantling the Constitution.” With Miklós Bánkúti and Gábor Halmai 21(3) ***Journal of Democracy*** 138-145 (2012).

“‘Fixing the Architecture’: Judging After 9/11.” 24 ***Yale Journal of Law and the Humanities*** 325-396 (2012).

“Amartya Sen’s Vision for Human Rights – and Why He Needs the Law.” 24 ***American University International Law Review*** 17-35 (2012).

“The New Judicial Deference.” 92 ***Boston University Law Review*** 89-170 (2012).

“Courts under Political Pressure: Minimum Criteria for Judicial Independence in Europe.” In Adriana Silvia Dreyzin de Klor, Miguel Poiaras Maduro, and Antoine Vauchez (eds.), ***Courts, Social Change and Judicial Independence*** (European University Institute, 2012).

“Comparative Law: Prospects and Problems.” Edited transcript of a panel discussion at the World Congress of Comparative Law July 2010, ***American University International Law Review*** 110-116 and 130-132 (2011).

“The Global Patriot Act.” 22(7) ***American Prospect*** 49-50, Special 9/11 issue, September 2011.

“Bringing Security Services under the Rule of Law in the Global Anti-Terror Campaign.” In Martin Scheinin (ed), ***European and United States Counter-Terrorism Policies, the Rule of Law and Human Rights*** (European University Institute, 2011).

"Global Security Law and the Challenge to Constitutionalism after 9/11." [2011] *Public Law* (UK) 352-376.

"Administrative State Socialism and its Constitutional Aftermath." In Susan Rose-Ackerman and Peter Lindseth (eds.), *Comparative Administrative Law*. (Edward Elgar Publishers, 2010).

"The International Standardization of National Security Law." 4 *Journal of National Security Law and Policy* 437-453 (2010).

"Tribute to Sanford Victor Levinson." 20(3) *Law & Courts* 9-13 (Summer 2010).

"The Passing of a Generation." 20(2) *Law and Courts* 5-11 (Spring 2010).

"The Constitutional Role of Transnational Courts: Principled Legal Ideas in Three-Dimensional Political Space." 28 *Pennsylvania State University International Law Review* 451-461 (2010).

"Exceptions that Prove the Rule: Embedding Emergency Government in Everyday Constitutional Life." Pp. 124-154 in Stephen Macedo and Jeff Tulis (eds.), *The Limits of Constitutional Democracy* (Princeton University Press, 2010).

"Dvoynoi schet: rasskazy i raschety posle terakta na Dubrovke." (Double Accounting: Narrative and Monetary Accounts after the Terrorist Act at Dubrovka) Pp.276-305 in Serguei Oushakine and Elena Trubina, eds., *Travma: Punkty* (Moscow: Novoe literaturnoe obozrenie, 2009).

"Liberalism against Neoliberalism: Resistance to Structural Adjustment and the Fragmentation of the State in Russia and Hungary." In Carol Greenhouse (ed.), *Politics, Publics, Personhood: Ethnography at the Limits of Neoliberalism* (University of Pennsylvania Press, 2009).

"Constitutional Interpretation after Regimes of Horror." Pp. 233-258 in Susanne Karstedt (ed.), *Legal Institutions and Collective Memories* (Hart Publishing, 2009)

"Parliamentary Supplements (Or Why Democracies Need More than Parliaments)." 89 *Boston University Law Review* 795-826 (2009).

"Le Droit de la Sécurité International: Le Terrorisme et l'Empire Sécuritaire de l'Après-11 Septembre 2001." (International Security Law: Terrorism and the Security Empire after September 11) in 173 *Actes de la Recherche en Sciences Sociales* 28-43 (2008) (special issue on *Pacifer et Punir: Les Crimes de Guerre et l'Ordre Juridique International*, edited by Ron Levi and John Hagan).

"Constitutional Patriotism: An Introduction." With Jan-Werner Müller. 6 *I-Con: International Journal of Constitutional Law* 67-71. Special Issue on Constitutional Patriotism edited by Kim Lane Scheppele and Jan-Werner Müller (2008).

"Legal and Extra-Legal Emergencies." Pp. 165-186 in Keith Whittington, R. Daniel Keleman and Gregory Caldeira (eds.), *The Oxford Handbook of Law and Politics* (2008).

"A Constitution between Past and Future." 49 *William & Mary Law Review* 1377-1407 (2008).

"We Are All Post-9/11 Now." 75 *Fordham Law Review* 607-629 (2006).

"Guardians of the Constitution: Constitutional Court Presidents and the Struggle for the Rule of Law in Post-Soviet Europe." 154 *University of Pennsylvania Law Review* 1757-1851 (2006).

"Da Zabyli pro Ovragi...': Neterpelivyi Kharakter Rossiiskoi Konstitutsii Vyzov Terrorizma." ("We Forgot About the Ditches': The Impatient Character of the Russian Constitution and the Challenge of Terrorism.") *Konstitutsionnoe Pravo: Vostochnoevropieskoe Obozrenie* (Constitutional Law: East European Review), 2006. In Russian. In two parts.

"The Migration of Anti-Constitutional Ideas: The Post-9/11 Globalization of Public Law and the International State of Emergency." In Sujit Choudhry (ed.), *The Migration of Constitutional Ideas* (Oxford University Press, 2006).

"Small Emergencies." 40 *Georgia Law Review* 835-862 (2006).

"North American Emergencies: The Uses of Emergency Powers in the United States and Canada." 4 *I-CON (International Journal of Constitutional Law)* 213-243 (2006).

"Konstitutsionalizm zaimstvovania i otverzhenia: izuchenie krosskonstitutsionnogo vliania s pomosh'iu negativnykh modelei." (The Constitutionalism of Borrowings and Rejections: Studies of Cross-Constitutional Influence through Negative Models). *Konstitutsionnoe Pravo: Vostochnoevropieskoe Obozrenie* (Constitutional Law: East European Review), 2005. In Russian.

"Hypothetical Torture in the War on Terrorism." 1 *Journal of National Security Law and Policy* 285-340 (2005).

"Evidence from Torture: Dilemmas for International and Domestic Law." 99 *Proceedings of the American Society of International Law* 271-277 (2005).

"'We Forgot About the Ditches': Russian Constitutional Impatience and the Challenge of Terrorism." 53 *Drake Law Review* 963-1027 (2005).

"Democracy by Judiciary (Or Why Courts Can Sometimes Be More Democratic than Parliaments)." In Wojciech Sadurski, Martin Krygier and Adam Czarnota (eds.), *Rethinking the Rule of Law in Post-Communist Europe: Past Legacies, Institutional Innovations, and Constitutional Discourses* (Central European University Press, 2005).

"Constitutional Ethnography: An Introduction." 38(3) *Law and Society Review* 389-406 (2004).

"A Realpolitik Defense of Social Rights." 82(7) *University of Texas Law Review* 1921-1961 (2004).

"Other People's PATRIOT Acts: Europe's Response to September 11." 50 *Loyola Law Review* 89-148 (2004).

"Law in a Time of Emergency: States of Exception and the Temptations of 9/11." 6(5) *University of*

Pennsylvania Journal of Constitutional Law 1001-1083 (2004).

"The Russian Constitution in European Constitutional History." In ***Konstitutsionnoe Pravo: Vostochnoevropieskoe Obozrenie*** (Constitutional Law: East European Review – Issue on the 10th anniversary of the Russian Constitution). (December, 2003). In Russian.

"Cultures of Facts." 1(2) ***Perspectives on Politics*** 363-368 (2003).

"Zashita sotsialnikh prav s pozitsii real'noi politiki" (A Realpolitik Defense of Social Rights), 1(42) ***Konstitutsionnoe Pravo: Vostochnoevropieskoe Obozrenie*** (Constitutional Law: East European Review). 52-66. (2003). In Russian.

"Constitutional Negotiations: Political Contexts of Judicial Activism in Post-Soviet Europe." 18(1) ***International Sociology*** 219-238 (2003).

"The Agendas of Comparative Constitutionalism." 13(2) ***Law and Courts*** 5-22 (2003). The article can be found at <http://www.law.nyu.edu/lawcourts/pubs/newsletter/spring03.pdf>.

"Aspirational and Aversive Constitutionalism: The Case for Studying Cross-Constitutional Influence through Negative Models." 1(2) ***I-CON (International Journal of Constitutional Law)*** 296-324 (2003).

"Ten' Sovetskogo Soyuza v amerikanskom konstitutsionnom zakonodatel'stve: Razmyshlenia o voine s terrorizmom" (Traces of the Soviet Union in American Constitutional Law: Reflections on 9/11.) 3/23 ***Neprikosnovennyi Zapas: Debaty o Politike I Kulturie*** (NZ: Debates about Politics and Culture) 23-30 (2002). In Russian.

"Declarations of Independence: Judicial Responses to Political Pressure." Pp. 227-279 in Stephen Burbank and Barry Friedman (eds.), ***Judicial Independence at the Crossroads*** (Sage, 2002).

"Dependence on a Standing Body of State: A Fatal Flaw in Bush v. Gore." ***Juridikum*** 4/2001 (Vienna, 2001).

"When the Law Doesn't Count: The Rule of Law and Election 2000." 149 ***University of Pennsylvania Law Review*** 1361-1437 (2001).

"The Constitutional Basis of Hungarian Conservatism." 10(1) ***East European Constitutional Review*** (Winter 2001).

"Comment: How to Make a Minority Group." Pp. 322-326 in Raymond Grew and André Burguière (eds.), ***The Construction of Minorities*** (University of Michigan Press, 2000).

"The Constitutional Law of Politics in America." ***Élet és Íródalóm*** (Life and Literature), Budapest, 24 November 2000. In Hungarian.

"Limitations on Fundamental Rights: Comparing Hungarian and American Constitutional Jurisprudence." Pp. 122-145 in Gábor Halmai (ed.), ***The Constitution Found? The First Nine Years of Hungarian Constitutional Review on Fundamental Rights***. (Budapest: INDOK, 2000.)

- "The New Hungarian Constitutional Court." 8(4) *East European Constitutional Review* 81-87 (Fall 1999).
- "Rules of Law: The Complexity of Legality in Hungary." With Antal Örkeny. Pp. 55-76 in Martin Krygier and Adam Czarnota (eds.), *The Rule of Law in Post-Communist Societies*. (Aldershot, England: Ashgate, 1999.) A shortened version also appeared in the *International Journal of Sociology*
- "The Inevitable Corruption of Transition." 14 *University of Connecticut Journal of International Law* 509-532 (1999).
- "The Ground-Zero Theory of Evidence." 49 *Hastings Law Journal* 321-334 (1998).
- "Europai Alkotmányos Konszenzus Az Abortuszrol" (The European Constitutional Consensus on Abortion.) *Fundamentum*, 1998/3, Spring. In Hungarian.
- "The History of Normalcy: Rethinking Legal Autonomy and the Relative Dependence of Law at the End of the Soviet Empire." 30 *Law and Society Review* 627-650 (1996).
- "Living Well is the Best Revenge: The Hungarian Approach to Judging the Past." With Gábor Halmai. Pp. 155-184 in A. James McAdams (ed.), *Transitional Justice in New Democracies*. (Notre Dame University Press, 1996.)
- "Constitutionalizing Abortion." Pp. 29-55 in Dorothy McBride Stetson and Marianne Githens (eds.), *Abortion Politics: Public Policy in Cross-Cultural Perspective* (New York: Routledge, 1996.)
- "Acquired Immune Deficiency Syndrome in the Social Sciences in Eastern Europe: The Colonization of the Social Sciences in Eastern Europe." With György Csepeli and Antal Örkeny. 63 *Social Research* (2) 487-510 (1996). (Reprinted in English in the Hungarian journal *Replika*, 1996 with a "Reply to Our Critics.") (Appeared in Hungarian translation as "A kelet-európai társadalomtudomány szerzett immunhiányos betegségének tünetei." 45 *Közgazdasági Szemle* 247 (Economic Perspective), March, 1998.) The article has since been published in German, Russian and Italian.
- "Constitutional Solutions to the Extra-Constitutional State." With Gábor Halmai. 2 *Journal of Constitutional Law in Eastern and Central Europe* 179-197 (1995).
- "Confronting the Past: The Hungarian Constitutional Court's Lustration Decision of 1994." With Gábor Halmai and László Majtényi. 1(1) *East European Human Rights Review* 111-128 (1995).
- "Kulturális Politika és Politikailag Helyes Viselkedés" (Cultural Politics and Political Correctness). With Anna Wessely. 36(7) *Világosság* 65-79 (July 1995). In Hungarian.
- "Sex in Public Places." Published in Hungarian as "Szex Nyilvános Helyen." *Kritika*, September 1995, 33-36 and in German as "Sex in der Öffentlichkeit: Anita Hill und die Anbörung des Clarence Thomas." 24(1) *Sozialwissenschaftliche Informationen* 58-65 (1995) (Special issue on sex and politics).
- "Women's Rights in Eastern Europe." 4(1) *East European Constitutional Review* 66-70 (Winter 1995).

"Imagined Pasts: Sexualized Violence and the Revision of Truth." Pp. 155-169 in Lee Epstein (ed.), ***Contemplating Courts***. (Congressional Quarterly Press, 1995.)

"Manners of Imagining the Real." 19 ***Law and Social Inquiry*** 995-1022 (1994).

"Legal Theory and Social Theory." 20 ***Annual Review of Sociology*** 383-406 (1994).

"Practices of Truth-Finding in a Court of Law: The Case of Revised Stories." Pp. 84-100 in Theodore Sarbin and John Kitsuse (eds.), ***Constructing the Social***. (Sage Publishers, 1993. Reprinted in Jodi O'Brien and Peter Kollock (eds.), ***The Production of Reality: Essays and Readings on Social Interaction*** (3rd Ed.) (Pine Forge Press, 2001).

"'It's Just Not Right!': The Ethics of Insider Trading." 56 ***Law and Contemporary Problems*** 123-175 (1993). Special Issue on Modern Equity.

"Just the Facts, Ma'am: Sexualized Violence, Evidentiary Habits and the Revision of Truth." 37 ***New York Law School Law Review*** 123-172 (1992). Special Issue on Lawyering Theory.

"The Reasonable Woman." 1(4) ***The Responsive Community***. 36-47 (1991).

"Contractarian Methods in Political and Legal Evaluation." With Jeremy J. Waldron. 3 ***Yale Journal of Law and the Humanities*** 195-230 (1991).

"Litigation Strategies of Interest Groups." With Jack L. Walker. In Jack L. Walker, ***Mobilizing Interests Groups in America: Patrons, Professions, and Social Movements***. (University of Michigan Press, 1991.) This book was compiled after Jack's death in 1990 by Joel Aberbach, Frank Baumgartner, Tom Gais, David King, Mark Petersen and me from book fragments and co-authored papers Jack left behind. It won the University of Michigan Press book award for best book published in 1991.

"Law Without Accidents." In ***Social Theory for a Changing Society***. Edited by Pierre Bourdieu and James S. Coleman. (Westview Press, 1991.)

"Fairness and Secrecy: A Contractarian Approach." With John Chamberlin. 3 ***Rationality and Society*** 6-34 (1991).

"The High Cost of Virtue: A Response to Linda Hirshman," 15 ***Law and Social Inquiry*** 575-585. September 1990.

"Facing Facts in Legal Interpretation." 30 ***Representations*** 42-77 (1990). (Reprinted in Robert Post (ed.), ***Law and the Order of Culture***. University of California Press, 1991.)

"The Ethics of Federalism." In ***Power Divided: Essays on the Theory and Practice of Federalism***, pp. 51-59. Edited by Harry Scheiber and Malcolm Feeley. (Berkeley: Institute for Governmental Studies, 1989.)

"Telling Stories." 87 ***Michigan Law Review*** 2073-2098 (1989).

Legal Secrets: Equality and Efficiency in the Common Law. (Chicago: University of Chicago Press, 1988.)

"The Re-Vision of Rape Law." 54 *University of Chicago Law Review* 1095-1116 (1987).

"The Authority of Alternatives." With Karol Edward Soltan. Pp. 169-200 in Roland Pennock and John W. Chapman, ***NOMOS XXIX: Authority Revisited*** (1987).

"Through Women's Eyes: Defining Danger in the Wake of Sexual Assault." With Pauline B. Bart. 39 *Journal of Social Issues* 63-80 (1983).

Crime and Punishment: Changing Attitudes in America. With Arthur L. Stinchcombe, Rebecca Adams, Carol A. Heimer, Tom W. Smith and D. Garth Taylor. (San Francisco: Jossey-Bass, 1980.)

"Salience of Crime and Support for Harsher Criminal Sanctions." With D. Garth Taylor and Arthur L. Stinchcombe. 26 *Social Problems* 413-424 (1979).

Substantial Blog Posts and Writing for Popular Venues

The writings listed below were published on blogs and in popular venues to contribute to real-time public debates over the state of constitutional democracy in Europe and the future of the European Union. While most blogpost writing is simply opinion expression, I have tended instead to publish major original research (often requiring multiple languages) that tracks current events in real time. In the law field, blogposts are often ways to comment on rapidly changing legal developments with greater policy impact than in academic articles.

- "Never Missing an Opportunity to Miss an Opportunity: The Council Legal Service Opinion on the Commission's EU Budget-Related Rule of Law Mechanism" with R. Daniel Kelemen and Laurent Pech on *Verfassungsblog*, 27 November 2018 at <https://verfassungsblog.de/never-missing-an-opportunity-to-miss-an-opportunity-the-council-legal-service-opinion-on-the-commissions-eu-budget-related-rule-of-law-mechanism/>
- "How to Stop Funding Autocracy in the EU." With R. Daniel Kelemen on *Verfassungsblog*, 10 September 2019 at <https://verfassungsblog.de/how-to-stop-funding-autocracy-in-the-eu/> .
- "Rule of Law Retail and Rule of Law Wholesale: The ECJ's (Alarming) 'Celmer' Decision." On *Verfassungsblog*, 28 July 2018 at <https://verfassungsblog.de/rule-of-law-retail-and-rule-of-law-wholesale-the-ecjs-alarming-celmer-decision/>.
- "The EU's Responsibility to Defend the Rule of Law in 10 Questions and Answers" with Laurent Pech on *Verfassungsblog*:
 1. Is the Rule of Law Too Vague a Notion? 1 March 2018 at <https://verfassungsblog.de/the-eus-responsibility-to-defend-the-rule-of-law-in-10-questions-answers/>
 2. What is Rule of Law Backsliding? 2 March 2018 at <https://verfassungsblog.de/what-is-rule-of-law-backsliding/>

3. Should the EU Care about Rule of Law Backsliding at Member State Level? 3 March 2018 at <https://verfassungsblog.de/should-the-eu-care-about-the-rule-of-law-at-member-state-level/> .
 4. Is the Organization of National Judiciaries a Purely Internal Competence? 4 March 2018 at <https://verfassungsblog.de/is-the-organisation-of-national-judiciaries-a-purely-internal-competence/> .
 5. Does the Commission have the Competence to Monitor Compliance? 5 March 2018 at <https://verfassungsblog.de/does-the-commission-have-the-competence-to-monitor-compliance/> .
 6. Is Article 7 Really the Nuclear Option? 6 March 2018 at <https://verfassungsblog.de/is-article-7-really-the-eus-nuclear-option/> .
 7. Was the Commission Right to Activate the Pre-Article-7 and Article 7(1) Procedure against Poland? 7 March 2018 at <https://verfassungsblog.de/was-the-commission-right-to-activate-pre-article-7-and-art-71-procedures-against-poland/> .
 8. Why Poland and not Hungary? 8 March 2018 at <https://verfassungsblog.de/why-poland-and-not-hungary/> .
 9. Didn't the EU Learn that these Rule-of-Law Interventions Don't Work? 9 March 2018 at <https://verfassungsblog.de/didnt-the-eu-learn-that-these-rule-of-law-interventions-dont-work/> .
 10. Is There a Better Way Forward? 10 March 2018 at <https://verfassungsblog.de/is-there-a-better-way-forward/> .
- “Poland and the European Commission” with Laurent Pech on *Verfassungsblog*:
 - Part I: A Dialogue of the Deaf, 3 January 2017 at <http://verfassungsblog.de/poland-and-the-european-commission-part-i-a-dialogue-of-the-deaf/> .
 - Part II: The Siren Song of the Rule of Law, 6 January 2017 at <http://verfassungsblog.de/poland-and-the-european-commission-part-ii-hearing-the-siren-song-of-the-rule-of-law/> .
 - Part III: Requiem for the Rule of Law, 3 March 2017 at <http://verfassungsblog.de/poland-and-the-european-commission-part-iii-requiem-for-the-rule-of-law/> .
 - Part IV: The European Commission's Activation of Article 7: Better Late than Never (also with coauthor Dimitry Kochenov), 23 December 2017 at <http://verfassungsblog.de/the-european-commissions-activation-of-article-7-better-late-than-never/> .
 - “Poland and the EU: Giving up on the Rule of Law?” 15 November 2016, available at <http://verfassungsblog.de/the-eu-and-poland-giving-up-on-the-rule-of-law/>
 - “Can Poland be Sanctioned by the European Union? Not Unless Hungary is Sanctioned Too.” *Verfassungsblog*, 24 October 2016, available at <http://verfassungsblog.de/can-poland-be-sanctioned-by-the-eu-not-unless-hungary-is-sanctioned-too/> .
 - “The EU Can Still Block Hungary's Veto on Polish Sanctions.” *Politico.EU*, 11 January 2016, available at <http://www.politico.eu/article/eu-can-still-block-hungarys-orban-veto-on-polish-pis-sanctions/>
 - "Orbán's Police State: Hungary's Crackdown on Refugees is Shredding the Values of Democracy," *Politico.EU*, 14 September 2015, at <http://www.politico.eu/article/orbans-police->

[state-hungary-serbia-border-migration-refugees/](#)

- "The Hungary Games: How Budapest Evades Its Migrants Obligations," *Politico.EU*, 24 August 2015, at <http://www.politico.eu/article/hungary-games-migration-refugees-asylum-crisis/>
- "Hungary and the State of American Democracy," on the *Hungarian Spectrum* blog, 21 May 2015, at <http://hungarianspectrum.org/2015/05/21/kim-lane-scheppele-hungary-and-the-state-of-american-democracy/>
- "Hungary Without Two Thirds," Paul Krugman's *The Conscience of a Liberal* blog, 17 March 2015 ; <http://krugman.blogs.nytimes.com/2015/03/17/hungary-without-two-thirds/?module=BlogPost-Title&version=Blog%20Main&contentCollection=Opinion&action=Click&pgtype=Blog%20Main&ion=Body>
- "Hungary and the End of Politics." *The Nation*, 26 May 2014 (8000 words, commissioned article), available at <http://www.thenation.com/article/179710/hungary-and-end-politics> .
- "Making Infringement Procedures More Effective: A Comment on Commission v. Hungary, Case C-288/12," *Eutopia* blog, 29 April 2014 at <http://eutopialaw.com/2014/04/29/making-infringement-procedures-more-effective-a-comment-on-commission-v-hungary-case-c-28812-8-april-2014-grand-chamber/> ; also posted at <http://www.verfassungsblog.de/> and <http://europaeuslaw.blogspot.com/>
- "Legal but not Fair: Viktor Orbán's New Supermajority" (with Miklós Bánkúti and Zoltán Réti), Paul Krugman's *The Conscience of a Liberal* blog, 13 April 2014 at <http://krugman.blogs.nytimes.com/2014/04/13/legal-but-not-fair-hungary/>
- "Hungary, an Election in Question," Paul Krugman's *The Conscience of a Liberal* blog, 28 February 2014 at:
 - Part I: The Political Landscape <http://krugman.blogs.nytimes.com/2014/02/28/hungary-an-election-in-question-part-1/>
 - Part II: Writing the Rules to Win – The Basic Structure <http://krugman.blogs.nytimes.com/2014/02/28/hungary-an-election-in-question-part-2/>
 - Part III: Compensating the Winners <http://krugman.blogs.nytimes.com/2014/02/28/hungary-an-election-in-question-part-3/>
 - Part IV: The New Electorate (in which Some are more Equal than Others) <http://krugman.blogs.nytimes.com/2014/02/28/hungary-an-election-in-question-part-4/>
 - Part V: The Unequal Campaign <http://krugman.blogs.nytimes.com/2014/02/28/hungary-an-election-in-question-part-5/>
- "Hungary's Attacks on the Rule of Law and Why They Matter for Business," *Financial Times*, "Beyond Brics" blog, 5 February 2014 at <http://blogs.ft.com/beyond-brics/2014/02/05/guest-post-hungarys-attacks-on-the-rule-of-law-and-why-they-matter-for-business/>
- "The EU Commission v. Hungary: The Case for the "Systemic Infringement Action"" on *Verfassungsblog*, 22 November 2013 at <http://www.verfassungsblog.de/en/the-eu-commission-v-hungary-the-case-for-the-systemic-infringement-action> with symposium responses from EU law

specialists.

- Also available at the website of the European Commission, *Assises de la Justice* at http://ec.europa.eu/justice/events/assises-justice-2013/files/contributions/45.princetonuniversityscheppelesystemicinfringementactionbrusselsversion_en.pdf .
- "In Praise of the Tavares Report," on the *Hungarian Spectrum* blog, 3 July 2013 at <http://hungarianspectrum.wordpress.com/2013/07/03/kim-lane-scheppele-in-praise-of-the-tavares-report/>
- "1984, Hungarian Edition," Paul Krugman's *The Conscience of a Liberal* blog, 6/17/13; <http://krugman.blogs.nytimes.com/2013/06/17/1984-hungarian-edition/>
- "Beware of Hungarians Bearing Gifts," Paul Krugman's *The Conscience of a Liberal* blog, 6/9/13; <http://krugman.blogs.nytimes.com/2013/06/09/beware-of-hungarians-bearing-gifts/>
- "Hungary: The Public Relations Offensive," Paul Krugman's *The Conscience of a Liberal* blog, 4/8/13; <http://krugman.blogs.nytimes.com/2013/04/08/guest-post-hungary-the-public-relations-offensive/>
- "The Dependence of the Central Bank," Paul Krugman's *The Conscience of a Liberal* blog, 4/8/13; <http://krugman.blogs.nytimes.com/2013/04/08/guest-post-the-dependence-of-the-central-bank/>
- Testimony before the Helsinki Commission, U.S. Congress, republished at the Hungarian Spectrum Blog, 3/19/13: <http://hungarianspectrum.wordpress.com/2013/03/19/kim-lane-scheppeles-testimony-at-the-helsinki-commission-hearing-on-hungary-full-text/> .
- "The Fog of Amendment," Paul Krugman's *The Conscience of a Liberal* blog, 3/12/13; <http://krugman.blogs.nytimes.com/2013/03/12/guest-post-the-fog-of-amendment/>
- "Constitutional Revenge," Paul Krugman's *The Conscience of a Liberal* blog, 3/1/13; <http://krugman.blogs.nytimes.com/2013/03/01/guest-post-constitutional-revenge/>
- "Not Your Father's Authoritarianism: The Creation of the 'Frankenstate' ." *European Politics and Society Newsletter* 5-9 (Winter 2013), available at https://higherlogicdownload.s3.amazonaws.com/APSANET/887e5df8-0982-4d77-8a9a-cb5ed1307de9/UploadedImages/newsletters/EPNewsletters_W2013.pdf .
- "How to Evade the Constitution: The Case of the Hungarian Constitutional Court's Decision on the Judicial Retirement Age" on *Verfassungsblog* , 8/9/2012, Part I: <http://verfassungsblog.de/evade-constitution-case-hungarian-constitutional-courts-decision-judicial-retirement-age/> and Part II: <http://verfassungsblog.de/evade-constitution-case-hungarian-constitutional-courts-decision-judicial-retirement-age-part-ii/> (Also published on EUTOPIA blog and Comparative Constitutions blog).
- "Let them Eat Principles!" on Eva Balogh's *Hungarian Spectrum* blog, 7/18/2012; <http://hungarianspectrum.wordpress.com/2012/07/18/kim-lane-scheppele-let-them-eat-principles-2/>

- (with Vlad Perju) "Separating Law and Politics in Romania," on Paul Krugman's *The Conscience of a Liberal* blog, 7/16/2012; <http://krugman.blogs.nytimes.com/2012/07/12/guest-post-separating-law-and-politics-in-romania/#more-31583>
- "Romania Unravels the Rule of Law," on Paul Krugman's *The Conscience of a Liberal* blog, 7/4/2012; <http://krugman.blogs.nytimes.com/2012/07/05/guest-post-romania-unravels-the-rule-of-law/#more-31472>
- "The New Hungarian Secret Police," on Paul Krugman's *The Conscience of a Liberal* blog, 4/19/2012; <http://krugman.blogs.nytimes.com/2012/04/19/the-new-hungarian-secret-police/>
- "Hungary's Free Media ," on Paul Krugman's *The Conscience of a Liberal* blog, 3/15/2012; <http://krugman.blogs.nytimes.com/2012/03/14/hungarys-free-media/>
- "First, Let's Pick all the Judges," on Paul Krugman's *The Conscience of a Liberal* blog, 3/10/2012; <http://krugman.blogs.nytimes.com/2012/03/10/first-lets-pick-all-the-judges/>
- "Constitutional Nostalgia ," Eva Balogh's *Hungarian Spectrum* blog, 2/8/2012; <http://esbalogh.typepad.com/hungarianspectrum/2012/02/kim-lane-scheppele-princeton-university-constitutional-nostalgia.html>
- "Hungary, Misunderstood?," on Paul Krugman's *The Conscience of a Liberal* blog, 1/21/2012; <http://krugman.blogs.nytimes.com/2012/01/21/hungary-misunderstood/>
- "Somewhere in Europe," on Paul Krugman's *The Conscience of a Liberal* blog, 1/12/2012; <http://krugman.blogs.nytimes.com/2012/01/12/somewhere-in-europe/#more-28181>
- "Hungary's Unconstitutional Constitution", on Paul Krugman's *The Conscience of a Liberal* blog, 1/2/2012; <http://krugman.blogs.nytimes.com/2012/01/02/the-unconstitutional-constitution/#more-27941>
- "Hungarian Diplomatic Protest," on Paul Krugman's *The Conscience of a Liberal* blog, 12/31/2011; <http://krugman.blogs.nytimes.com/2011/12/31/hungarian-diplomatic-protest/>
- "More Hungary," on Paul Krugman's *The Conscience of a Liberal* blog, 12/20/2011; <http://krugman.blogs.nytimes.com/2011/12/20/more-hungary>
- "Hungary's Constitutional Revolution," on Paul Krugman's *The Conscience of a Liberal* blog, 12/19/11; <http://krugman.blogs.nytimes.com/2011/12/19/hungarys-constitutional-revolution>

Work in Progress: Book Manuscripts

AUTOCRATIC LEGALISM. Through 2005, the number of democracies in the world kept increasing but, after that date, the number declined. Even among the remaining democracies, international indicators measuring respect for constitutionalism and civil liberties protection have been trending downwards for

more than a decade also. When the number of democracies was growing, observers argued that we were witnessing the “end of history,” when all governments would converge on a liberal, constitutional democracy and retain that form forever. But since the number and quality of democracy has been declining, it seems that the “end of history” has ended. What is taking democracies off the liberal and constitutional track - and what can be done about it? In this book, I highlight an important subset of the “trouble cases”: countries in which autocrats come to power through elections, use constitutional methods to undermine constraints on their power and legally convert previously functioning liberal and constitutional democracies into illiberal states. In the book, I explore:

- why the new autocrats have come to power now (the short answer: not because of populism but because the structure of elites is going through a fundamental transformation),
- how the new autocrats have consolidated their power using legal tools (like judicial takeovers, election rigging through law, parliamentary suspension, denigration of expertise, the destruction of independent checking institutions, and illiberal constitutional entrenchment),
- how the new legal tools circulate from the initial autocrats who invent them to new autocrats who adopt them (while there is no “Illiberals International”, there is an effective network of states who engage in bilateral transfer of the new tools),
- why international observers and transnational organizations have been slow to recognize the problems (because liberalism is open to so many different forms that it is hard to recognize the illiberal institutions operating in their midst) and
- what can be done to restore liberalism in illiberal states (making the world safe for liberalism – by reengaging both elites and general publics in the campaign to restore social democracy).

I have drafts of three of the five chapters written already.

COUNTER-CONSTITUTIONS. Constitutions only work to shape and constrain politics if most of the players who are addressed by a constitution believe that a constitution is real. In this book, I probe how constitutions achieve that reality by elaborating a phenomenological theory of constitutionalism as a set of reality-producing norms. The book shows how the phenomenological concept of intersubjectivity connects “lawyers’ law” with “laypersons’ law” to create the perceived solidity of constitutional arrangements and how the production of constitutional alternatives (“counter-constitutions”) works to destabilize constitutional reality. I use the constitutional trajectory of Hungary to illustrate how constitutions form and deform over time. This book tracks the deconstruction of a communist constitution in 1989 and the rise of a liberal constitution in the aftermath of communism, as well as the deconstruction of liberal constitutional democracy in Hungary since 2010 and its replacement by a nationalist authoritarian constitution. These two parallel transformations illustrate how the reconstruction of past and future is central to the process of constitutional transformation and show why outsiders - whether the constitutional advisers of the 1990s or the European Union in the last half-dozen years - have found it difficult to intervene to shore up particular constitutional visions. Prior episodes of constitution-making in Hungary’s past are invoked through a series of flashbacks made visible through contestation over Hungary’s present. I have written each of the nine chapters of this book in draft form and am presently revising to increase the overall coherence of the argument.

THE INTERNATIONAL STATE OF EMERGENCY: CONSTITUTIONAL EXCEPTIONS AND THE GLOBALIZATION OF SECURITY LAW AFTER 9/11. After 9/11, the UN Security Council sprang into action, passing resolutions of a legislative sort never seen before. Beginning with Resolution 1373 (September 2001) and elaborating this global plan with a series of path-breaking resolutions up through and including 2178 (September 2014), the Security Council has created a body of global security law that requires states to change their own domestic law to contribute to a world-wide web of terrorist interdiction. Regional bodies joined the campaign and also supported the Security Council framework with more resolutions, action plans and regional treaties.

Faced with this united front of international law, states have complied at an astonishing rate. Every member state of the UN filed reports to document changes to domestic law; the vast majority of these reports indicate that states in fact took steps to bring their domestic law into line with international standards. I show that this unprecedented compliance occurs for different reasons in different states. Some states complied because international law requires it, but other states complied because global security law gave national executives new repressive powers that they were eager to claim. In either case, the process of aligning domestic law with international law highlights the way that international law can strengthen domestic executives and undermine more democratic or consultative lawmaking processes in domestic law. Many of the new laws passed in the name of compliance also pose challenges for human rights as well as for domestic constitutional values. Global security law has contributed to tipping fragile democratic states over into authoritarianism and has altered the constitutional balance within rule-of-law states toward increasing executive power. To understand how states have responded to the challenge of global security law, I develop a new theory of emergency powers that goes beyond the 9/11 cases and that shows how international and domestic law are now intertwined to create barriers to constitutionalism.

TEACHING

Sociology

Classical Sociological Theory (from the 18th to mid-20th century) (graduate course -- Princeton)

Law In the Disciplines

Interdisciplinary Legal Studies (graduate course surveying major works in interdisciplinary legal studies -- Princeton)

The Sociology of Law (graduate course in law and society -- Princeton)

The Sociology of Law (introductory-level undergraduate course introducing students to sociology through the sociology of law -- Princeton)

The Rule of Law (MPA/MPP course on why the rule of law matters, highlighting negative examples -- like coups, emergencies, wars, state violations of constitutions, violations of international law, legalistic but abominable governments -- and developing rule-of-law principles from case studies -- Princeton)

Comparative Constitutional Law (undergraduate upper-level course featuring comparative constitutional government and the interpretation of constitutional rights -- Princeton)

Constitutionalism (PhD seminar on the history of constitutional theory -- Princeton)

Crafting Constitutions (freshman seminar on constitutional drafting -- Princeton)

Legal Protection of Ethnic and National Minorities (focusing on international and European law -- ELTE (University of Budapest))

Law in Law Schools

The European Legal World (4-credit first-year elective, Harvard Law School) (examining the interactions of national constitutional law, European human rights law and EU law to consider the potentials and perils of multi-level governance)

Constitutional Cultures (Humboldt Law Faculty, jointly taught with Georg Nolte) (this course compared German and American constitutional legal principles and examined the different reception of international law in both national constitutional cultures)

Evidence (black-letter law for law students -- 3 credit version, Yale Law School; 4-credit version,

- Penn Law) (teaching the Federal Rules of Evidence, with some constitutional criminal procedure and common law evidentiary practices added).
- Terrorism: Comparative Law and Human Rights (Yale Law School) (focusing on the interplay between global security law and domestic constitutional law around the world)
- Comparative Constitutional Law (Penn Law) (focusing on comparative governmental structures and the role of courts in understanding rights with special attention to Germany, France, India, South Africa, Canada, Hungary and Israel).
- Terrorism and Democracy (focusing on the challenge that terrorism poses to constitutional understandings as well as the constitutional issues raised by counter-terrorism strategies adopted after terrorist attacks, with examples from both the US post-9/11 and from other constitutional democracies -- PennLaw)
- Post-Communist Law and Society (focusing on the legal structure of soviet-style states and the legal changes which have followed the end of the soviet empire – PennLaw).
- Constitutionalism (“perspectives” course for first-year law students on constitution-making from the Philadelphia Convention to recent post-communist constitutions --PennLaw)
- Comparative Constitutional Law I (with Stanley Chodorow) (focusing on European constitutionalism from medieval to modern times, listed in law, political science and history -- PennLaw)
- Comparative Constitutional Law II (focusing on constitutional problems with an emphasis on constitutional case law in the post WWII period, listed in law and political science -- PennLaw)
- Comparative Constitutional Law III (focusing on the modern case law of post-war democratic regimes in Germany, France, India, Israel, Hungary, Canada and South Africa – PennLaw)
- Separation of Powers in the American Constitution (for Eastern and Central European law students – Central European University CEU)
- Principles of Constitutionalism (for Eastern and Central European law students -- Uzgorod State University Law Faculty, Ukraine)

Gender Studies

- Gender/Body/Knowledge (graduate course on the history of the body and sexuality -- CEU)
- Love (graduate course on the history of love and the philosophy of love, with selected philosophical and literary examples -- CEU)
- Psychoanalysis and Feminism (with Mindy Jane Roseman) (graduate course on Lacan and his feminist interpreters/critics -- CEU)
- Research Colloquium in Gender Studies (CEU)
- Abortion and Public Policy (graduate course in political science, law and public policy presenting an interdisciplinary, comparative and multi-perspectival approach to the abortion controversy -- Michigan). The syllabus for this course was included as one of ten model syllabi in the Public Law Syllabus Project published by the American Political Science Association.

Teaching in Programs across the University

- Module on international law in PhD Pro-seminar on Security Studies (Woodrow Wilson School, Princeton).
- Module on Hungarian history and legal culture in course on “East European Culture” (European Cultural Studies Program, Princeton).

Module on Legal Translation in “Thinking Translation: Language Transfer and Cultural Communication” (Translation Program, Princeton).

Module on Legal Evidence in “How Do You Know?” (College of Arts and Sciences, University of Pennsylvania).

PROFESSIONAL ACTIVITIES

Consulting/Advising/Public Policy

Consulting with the government of Scotland on BREXIT options, 2016- .

Briefings on the situation in Hungary:

- Dutch Foreign Ministry, 2015-
- European Parliament 2012-
- Transparency Group of National Ambassadors in Hungary, 2012.
- US State Department, 2011-
- Plus many meetings at the European Commission.

Testified before the Helsinki Commission, joint committee of the US Congress, on the situation in Hungary, 19 March 2013.

Co-editor with Professor Gábor Halmai of amicus briefs to the European Commission on Democracy through Law (the Venice Commission) in regards to the Hungarian constitutional crisis:

- “Opinion on the Fourth Amendment to the Hungarian Fundamental Law: Amicus Brief to the Venice Commission,” April 2013, available at <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhbWljdXNlcmlZmh1bmdhcnl8Z3g6N2QwZThmYWVWRkMjg5YWZlOA> .
- “Opinion on Hungary’s New Constitutional Order: Amicus Brief to the Venice Commission (European Commission for Democracy through Law) on the Transitional Provisions of the Fundamental Law and the Key Cardinal Laws.” February 2012, available at http://lapa.princeton.edu/hosteddocs/hungary/Amicus_Cardinal_Laws_final.pdf .

Co-organizer of Executive Seminar and Lecturer in High-Level Workshop on “Terrorism and Human Rights” (together with Martin Scheinin, UN Rapporteur on Protection of Human Rights while Fighting Terrorism and Miguel Poaires Maduro, former Advocate General at the European Court of Justice), European University Institute, Florence, Italy. March 2011.

Member of working group against Detention without Trial, which 1) consulted with the Guantanamo Interagency Task Force, 2) produced a scholars’ statement on detention policy for the President-Elect’s transition team in 2008, for Senate testimony and for consultation with the Interagency Guantanamo Task Force and 3) advocated for regular civilian trials for suspected terrorists. For the statement, see <http://feingold.senate.gov/ruleoflaw/testimony/scholars.pdf> (2008-2010).

Convener of two “Problem Solving Workshops” at Princeton with high-level participants from the uniformed military, civilian DOD, Justice, CIA, the military contractor community and academia to work out solutions to accountability issues for military contractors with security responsibilities;

resulted in draft legislation that passed the House before being stalled in the Senate (June 2007; January 2008).

Member of Iraqi Advisory Group, organized through the National Democratic Institute for International Affairs, to advise the Iraqi Constitutional Drafting Commission. July-September 2005.

Convener and moderator of “the torture list,” a listserv-based working group that coordinates and advises litigation related to US torture and detention policy (2005-).

Wrote report on constitutional courts for the constitutional drafting process in Afghanistan. Worked with the Center for International Cooperation and the UN Transitional Authority for Afghanistan. Spring 2003.

Testified before the Florida House of Representatives as it considered whether to override the election results and directly vote a slate of electors in the 2000 Presidential Election, 11 December 2000.

Worked with members of the Russian Constitutional Union to rethink federalism under the Russian Federation Constitution (1997-1998).

Worked with the Constitutional and Legislative Policy Institute (COLPI), Budapest and the Hungarian Constitutional Court to create a handbook on Hungarian constitutional law published for judges and civil servants in Hungary as *Alkotmányos Elvek És Esetek* (Constitutional Principles and Cases) (edited with Gábor Halmai, Péter Paczolay, Zsolt Bálogh). (1994-1996).

Advisor to a Member of Parliament, Republic of Hungary, on women's rights in the new constitution and on Hungarian compliance with the Convention on the Elimination of Discrimination Against Women. 1995.

Major Administrative Assignments

President, Law and Society Association, 2017-2019.

The Law and Society Association (LSA) is a professional organization whose annual meetings attract between 2000-3000 scholars from all parts of the world. The president of the LSA is elected by the membership in competitive elections. The two-year presidency is preceded by a year as president-elect and followed by a year as past-president, which includes four years of service on the Executive Committee of the Board of Trustees (in my case, from 2016-2020). The president works with an executive office which has an executive officer and staff of three, appoints and supervises the work of nearly two dozen committees, and is responsible to an elected Board of Trustees. During my term as president, the Association is in a transition to a new location of the executive office, which involves negotiating the contract for the new site, hiring a new executive officer, moving the office and training a new staff. In addition, I am starting new initiatives to increase member benefits, bring scholarship of our members to broader public attention and creating a diversity initiative to broaden the scope of LSA concern and to encourage our diverse members to become more visible in our field. During my tenure, I led the Association in moving along governance reform finalizing bylaws, policies and procedures that had been in the

works for years and starting the strategic planning process.

Director, Program in Law and Public Affairs, Princeton University (2005-2015):

LAPA had six resident fellows selected from an international competition, a PhD graduate group, a MPA/MPP graduate group and an undergraduate group as well as an active schedule of programming of lectures, workshops, conferences, seminars and working groups for the university community. This program is Princeton's non-degree-based substitute for a law school. For more, see <http://lapa.princeton.edu/>.

Co-Director, Program in Gender Studies, Central European University (1996-1998):

In 1996, the Central European University in Budapest inaugurated the first degree-granting program in gender studies anywhere in the former soviet world. As its founding co-director (together with Joanna Regulska), I hired its first faculty, planned the curriculum, saw the program through accreditation for two graduate degrees, recruited students and set up a variety of other support programs (Regional Seminar in Gender and Culture for senior scholars; Small Grants Program in Gender and Culture to support the creation of gender studies centers in the former soviet world; Summer University Program in Gender and Culture for university teachers from the former soviet world; Curriculum Resource Center visits for regional faculty to build new curricula in gender studies).

Director, Law and Politics, Department of Political Science, University of Michigan (1984-1996):

I built a PhD track in Law and Politics within the political science department at the University of Michigan. This program at its peak had about 30 PhD students taking major or first minor prelims in the field.

Editorial Experience

Editorial Board, *Oñati Socio-Legal Series*, 2014-

Editorial Board, *Constellations*, 2006 -

Founding Member of Editorial Board, *Journal of National Security Law and Policy*, 2005 -

Founding Associate Editor, *Annual Review of Law and Social Science*. (Published in the Annual Review Series), 2003-2015.

Guest Editor, *I-Con: International Journal of Constitutional Law* (with Jan-Werner Müller) for a special issue on Constitutional Patriotism, 2008.

Guest Editor, *Law and Society Review*, for a special issue on Constitutional Ethnography, 2002-2004. Issue appeared in August 2004.

Member, Editorial Board, *Law and Society Review*, 1995-1997, 2000-2003.

Associate Editor, *American Journal of Sociology*, 1996-1998.

Coeditor for special issue on the influence of interdisciplinary graduate education, *Social and Legal Studies*, 1992-1993.

Associate Editor, *The Law and Politics Book Review*, 1990-1994.

Associate Book Review Editor, *American Journal of Sociology*, 1978-1979.

Activities in Professional Associations

General

American Academy of Berlin

Chair, Fellows Selection Committee, 2009-2011.
Panelist, Fellows Selection Committee, 2007-2009.

(American) National Science Foundation

Panelist, Law and Social Sciences Division.
Reviewer, Law and Social Sciences Division.

Institute for Advanced Study, Princeton

Member, Search Committee for professorships in the School of Social Sciences, 2015-
Planning Committee Member, School of Social Sciences Summer Institute for faculty from Africa,
Latin America and the Middle East, Spring-Summer 2015.

Council of European Studies

Member, Program Committee for 2017 meetings in Glasgow, Scotland.

Law

Law and Society Association

President, Law and Society Association (2017-2019).
President-Elect, Law and Society Association (2016-2017).
Chair, Policies and Procedures Committee (2016-2017).
Member, Stan Wheeler Mentoring Award Committee (2015-2016)
Chair, Kalven Prize Committee (2014-2015)
Member, Early Career Workshop Committee (2012-2013)
Chair, Nominations Committee (2011-2012).
Co-organizer with Tom Baker, Early Career Workshop, Law and Society Association, Denver, May
2009.
International Committee, member, and East European Regional Coordinator (2003-2009).
Program Committee Co-Chair (with Carol Heimer) for the Budapest 2001 meeting.
Treasurer (elected office) (1999-2001) (also ex officio member of the Executive Committee and
the Board of Trustees).
Member, Program Committee for the Miami meetings (1999-2000).
Organizer, Constitutional Ethnography Working Group (1999-2010).
Trustee, Board of Trustees, Class of 1993 (elected office) (1990-1993).
Member, Program Committee for the first international meetings, held in Amsterdam, June
1991
Member (1980-).

Association of American Law Schools

Instructor in AALS workshop on qualitative methods, January 2013
Instructor in AALS workshop on Constitutional Law, June 2002.

Invited speaker for annual conference:

- 2018 (election law and European law sections)
- 2017 (national security law section)
- 2016 (international law and European law sections)
- 2014 (Academic Symposium: Constitutional Change and Bridge Program Chair:
Constitutional Change in the Middle East)

- 2013 (special panel on the meaning of peace)
- 2012 (“hot topics” panel on the Khodorkovsky trial)
- 2011 (constitutional law section)
- 2010 (comparative law section)
- 2009 (constitutional law section)
- 2007 (constitutional law and comparative law sections)
- 2005 (national security law section)
- 2004 (mini-conference on terrorism – constitutional law and immigration law sections);
- 2003 (evidence and criminal procedure sections)
- 1998 (law and humanities section)
- 1996 (legal writing and research section)
- 1993 (criminal law section)
- 1990 (privacy and defamation section)

American Society for Comparative Law

Elected Member of Executive Committee, 2012-2014.

Member, Special Committee on Comparative Law and the Social Sciences (2015-2016).

Co-organizer (with Mathias Reimann and Jacqueline Ross for 2008-2010 and with James Whitman and Jacqueline Ross for 2011 and 2012, and with Maximo Langer and Jacqueline Ross for 2013-2017 and with Jacques deLisle and Jacqueline Ross for 2018 and beyond), Works-in-Progress Workshop

- University of Illinois Law School 2019
- Princeton University 2018
- UCLA 2017
- University of Illinois Law School 2016
- Princeton University 2015
- UCLA 2014
- University of Illinois Law School 2013
- Princeton University 2012
- Yale Law School 2011
- University of Illinois Law School 2010
- Princeton University 2009
- University of Michigan Law School 2008

International Association of Constitutional Law

- Elected Executive Committee Member, won office as one of only four “global members” elected across regions.
- Chair, Research Group on Constitutional Responses to Terrorism 2017-

Law School Admissions Council

Member, grants committee (2000-2005).

National Constitution Center

John Templeton Lecture on Economic Liberty and the Constitution, selection committee member (2002-2005).

Senior Fellow (1998-1999).

Scholarly Advisory Board, member (1997-2007).

Sociology

American Sociological Association

Member, Local Arrangements Committee for the Philadelphia Annual Meeting (2005-2006)
Member (1975-)

Sociology of Law Section, ASA

Member, Section Council (elected office) (2004-2006).
Co-Chair (with Bryant Garth), Book Prize Committee (1999-2000).
Member, Awards Committee (1996-1997).
Chair of Section (elected office) (1994-1995).
Program Committee Chair (1993-1994).
First Convener of Section (1992-1993).
Member, Steering Committee (1992-1995).
Member, Nominating Committee (1992-1993).

Human Rights Section, ASA

Member, Best Article Prize Committee (2015-2016).

Sociology of Culture Section, ASA

Program committee (2002-2003).
Chair of law and culture working group (1993-1994).

Theoretical Sociology Section, ASA

Member, Awards Committee (1995-1996)
Member, Section Council (elected office) (1993-1996).

Political Science

American Political Science Association

Annual Meeting Program Committee member; Organizer of panels on the Intersection of Theory and Practice (1989-1990)
Member (1984-).

Law and Courts Section, APSA

Member, Lifetime Achievement Award Committee (2013-2014)
Member, C. Herman Pritchett Award committee for best book in the field (2003-2004)
Member, awards committee for best paper delivered at the APSA meetings (1992-1993)
Member of special national committee to reconsider the status of the public law subfield in the discipline of political science (1989-1990)
Member, Nominating Committee (1988).

Conference Group on Jurisprudence and Public Law, APSA

Co-founder and co-organizer (with Karol Soltan) (1985-1994). During those years we organized 5-15 panels/year at the American Political Science Association. Eventually, the APSA created a new stand of panels in its institutionalized annual program on Constitutional Law and Political Theory to bring our efforts into the permanent program.