MICHEL ROSENFELD

Curriculum Vitae

Present Position:

Justice Sydney L. Robins Professor of Human Rights, Benjamin N. Cardozo School of Law, Yeshiva University, New York City (1998 -). Affiliated Faculty, The Graduate Faculty of Political and Social Science, The New School University (1990 -) (most recent course 2006-2007).

Past Positions:

Professor of Law, Benjamin N. Cardozo School of Law (1988 – 1998); Professor of Law New York Law School (1985 –88), Associate Professor (1982 –85). Associate Attorney, Rosenman, Colin (1980-82); Skadden, Arps (1977-80).

Visiting Appointments:

The University of Bologna, Italy, (March-April 2008); The University of Toronto Faculty of Law, Distinguished Visiting Professor, (January 2007); The University of Genoa, Italy, Faculty of Law, Fresco Chair, (May 2007); The Central European University, Legal Studies Department, Budapest, Hungary, recurring Visiting Professor since opening in 1993. Most recent visit 2009; University of Paris I (Pantheon-Sorbonne) (May 2009 Philosophy Department), (April 2008, May 2006, April-May 2004, Dec. - Jan. 2000-01, Dec – Jan. 1999 - 2000 Law School); University of Toulouse I (May 2005); University of Melbourne Law School, Melbourne, Australia (October 2003); The Helmut Kohl Institute for European Studies, The Hebrew University of Jerusalem, Jerusalem, Israel (May-June 2003); University of Aix-Marseille III, France (December 2008, Sept. 2003, Sept. 2000, May 1997, May 1996, April – May 1995, May 1994, May 1993, May, Sept. Dec. 1992, Dec. 1991); Faculty of Law, Carlos III University, Madrid Spain (May 2002, May 2001, May 1997, May 1996); New York University School of Law, (Spring 2001); University of Paris X (Nanterre) (April 2009, Jan. 2001, Jan-Feb. 1995); University of Montpellier, France (May 2000, Jan. 1998, Jan. 1995); Universidad de Barcelona, Spain (Dec. 1999, Jan. 1998) University of Fribourg, Switzerland (Aug. 1999, Dec. – Jan. 1990-91); University of Paris II (Panthéon) (March-April 1995).

Visiting Lectureships and Short Courses:

University of Lecce, Italy (June 2007); University of Oslo, Norway (May 2006); University of Siena, Italy, Faculty of Law (September 2005, Dec. 1990); European University Institute, Florence, Italy (March 2008, June 2004). University College London School of Law, London UK (May-June 2004); Faculty of Law, Universidad Autonoma de Madrid, Spain (May 2004, May 1997,); Universidad Ramon Llull, Barcelona, Spain (June 2002, May 2000, June 1998); Shanghai Academy of Social Sciences (October 2000); Faculty of Law, University of Palermo, Italy (May 2009; May 2000); Faculty of Law, University

of Helsinki, Finland (May 1997); Universidad Autonoma de Barcelona, Spain (May 1996, May 1994,); Faculty of Law University of Genoa, Italy (May 1996, April 1995); Faculty of Law, University of Paris XI (Sceaux) (March 1995); University of London, Birkbeck College Department of Law (March 1995); Faculty of Law, Humboldt University, Berlin (January 1995); Center for Philosophy of Law, Université Catholique de Louvain, Belgium, (March 1993); Faculty of Law, Université Libre de Bruxelles, Belgium, (Dec. 1992); "Raising Rights Consciousness" Workshop. Budapest, Hungary, Sponsored by Center For Democracy of Columbia University Law School (June 1991); Eotvos Lorand University, Faculty of Law, Budapest, Hungary (1988), (1990); University of Lodz, Faculty of Law and Faculty of Philosophy, Poland (1989) (trip funded by Irex Grant); Inter-University Center of Postgraduate Studies, Dubrovnik, Yugoslavia (April 1987); Hebrew University of Jerusalem Law School, Israel (1986). University of Sherbrooke Law School, Canada (1985);

Education:

B.A. 1969; M.A. 1971; M.Phil. 1978; PhD 1991 (Philosophy) Columbia University. J.D. 1974 Northwestern University School of Law.

Courses Taught:

Civil Procedure; Comparative Constitutionalism; Comparative Equality; Comparative Federalism; Comparative Constitutional Interpretation; Constitutional Law I and II; Constitutional Crisis and Emergency Powers (co-taught as law/political theory course); Constitutional Interpretation; Constitutional Jurisprudence: Equal Protection and Affirmative Action; Constitutionalism, Law and Politics (co-taught as law/political theory course); Constitutionalism in an Era of Globalization and Privatization (law/political science seminar/speakers series); Judicial Balancing, Proportionality and Justice; Jurisprudence; Philosophy of Human Rights; Professional Responsibility; Religion, Law and Politics (seminar/speakers series).

Faculty Committees and Programs:

Chaired faculty Appointments, Steering and Educational Policy Committee; Director, Cardozo General L.L.M. Program (1998-2000); Co-Director, Floersheimer Center For Constitutional Democracy (2001-2004); Director, Cardozo Program on Security, Democracy and the Rule of Law (2005 -).

Book Series Editor:

"Philosophy, Social Theory and the Rule of Law." Published by The University of California Press (1991-2002); "Discourses of Law", Published by Routledge (2003-).

Editor-in-Chief:

International Journal of Constitutional Law (I.CON), a faculty edited journal published quarterly by Oxford University Press since January 2003. Sponsored by the NYU Global Law School Program with a grant by the Open Society Fund.

President:

International Association of Constitutional Law (1999-2004); Vice President (1995-1999); President Emeritus since 2004.

President:

U.S. Association of Constitutional Law. (2004 -); Vice President and Treasurer (1997-2003).

Membership, French Governmental Commission:

Appointed April 3, 1997 as one of two foreign members by Minister of Labor of France to special commission to study the Role of Women in Public Life.

Member:

2007 Academic Selection Committee for Holberg International Memorial Prize (worth approximately $750,000) (Norway).

Admissions to Practice:

New York State 1976, Federal District Courts for the Southern and Eastern District of New York.

Honors:

Fernand Braudel Senior Fellow, The European University Institute, Florence, Italy. January 1 – March 31, 2009.

Chaire Internationale Blaise Pascal (2007 - 2008) (Endowed research chair granted to foreign scholars by the government of the greater Paris region). I am only the second jurist among the 50 scholars from the humanities, natural sciences and social sciences who have thus far been awarded this chair.

Foreign Member, National Academy of Law and Social Sciences of Argentina (Cordoba Branch) (June 2005).

Knight of the Order of the French Legion of Honor (June 2004).

Honorary Citizen and recipient of key of City of Santiago, Chile (January 2004).

Honorary Guest Professor, Renmin University of China, School of Law, Beijing, China (October 2000).

Publications

I. BOOKS

1. ***The Oxford Handbook of Comparative Constitutional Law*** (Oxford: Oxford University Press 2011) (co-editor with Andras Sajo) (in progress).

2. ***Law, Justice, Democracy and the Clash of Cultures*** (Cambridge: Cambridge University Press 2010) (in progress).

3. ***The Identity of the Constitutional Subject*** (New York: Routledge 2009) (forth coming in October).

4. ***Derrida and Legal Philosophy*** (Palgrave MacMillian Ltd. 2008) (co-editor with Peter Goodrich, Florian Hoffman and Cornelia Viesmann).

5. ***A Identidade do Sujeito Constitucional*** (Belo Horizonte, Brazil: Mandamentos Editora 2003). Portuguese translation of "The Identity of the Constitutional Subject" (1995***); L'Identita del Soggetto Constitutionale,*** Italian translation (Lecce: Pensa Editore 2004).

6. ***Comparative Constitutionalism, Cases and Materials*** (West Group 2003) (with Susanne Baer, Norman Dorsen and Andras Sajo). (second edition in progress).

7. ***The Longest Night: Polemics and Perspectives on Election*** **2000** (Berkeley: the University of California Press 2002) (co-editor with Arthur Jacobson).

8. ***Habermas on Law and Democracy: Critical Exchanges***, (Berkeley: University of California Press 1998) (co-editor with Andrew Arato).

9. ***Just Interpretations: Law Between Ethics and Politics***, (Berkeley: University of California Press 1998). ***Les interprétations justes*** in the series "La Pensée Juridique Moderne" of L.G.D.J. - Bruylant (Paris, 2000) (French translation). ***Interpretazioni: il dirrito fra etica e politica,*** (Bologna: Editrice Il Mulino 2000). (Italian translation).

10. ***Constitutionalism, Identity, Difference and Legitimacy: Theoretical Perspectives*** (Durham, N.C.: Duke University Press 1994) (editor).

11. ***Deconstruction and the Possibility of Justice*** (New York: Routledge 1992) (co-editor with D. Carlson and D. Cornell).

12. ***Hegel and Legal Theory***, (New York: Routledge 1991) (co-editor with D. Carlson and D. Cornell).

13. ***Affirmative Action and Justice: A Philosophical and Constitutional Inquiry***, (New Haven: Yale University Press 1991) (Paperback 1993).
(***Winner***: ***Outstanding Book Award*** given by the Gustavus Myers Center for the Study of Human Rights in the United States, 1992).

II. PUBLICATIONS IN COMPARATIVE CONSTITUTIONAL LAW

1. ***Introduction: Can Constitutionalism, Secularism and Religion Be Reconciled in an Era of Globalization and Religious Revival?*** 30 *Cardozo L. Rev.* 2333-2368 (2009) (symposium on Constitutionalism and Secularism in an Age of Religious Revival).

2. ***Principle or Ideology? A Comparativist Perspective on the US Controversy over Citations to Foreign Authorities*** (in French translation) in Pierre Legrand, ed., ***Comparer les droits résolument*** (Presses Universitaires de France [PUF] 2009) 561-595.

3. ***"Regulation of Hate Speech"*** in Vickram Amar, and Mark Tushnet eds., ***Global Perspectives on Constitutional Law*** 181-197 (Oxford Univ. Press. 2009).

4. ***Rethinking Constitutional Ordering in an Era of Legal and Ideological Pluralism,*** 6 *International Journal of Constitutional Law* (*I.CON*) 415-455 (2008).

5. ***Spreading Liberal Constitutionalism: An Inquiry Into The Fate of Free Speech Rights in New Democracies*** in Sujit Choudry, ed., ***The Migration of Constitutional Ideas***, 142-177 (Oxford University Press 2006) (co-authored with Andras Sajo).

6. ***A Theory of Political Rights in Times of Stress*** in Wojciech Sadurski, ed., ***Political Rights Under Stress in 21st Century Europe***, 12-54 (Oxford University Press 2006).

7. ***Comparing Constitutional Review By The European Court of Justice and the U.S. Supreme Court,*** 4 *International Journal of Constitutional Law (I.CON)* 618-651 (2006) reprinted in, Ingolf Pernice, Julia Kokott and Cheryl Saunders eds., ***The Future of the European Judicial System in a Comparative Perspective***, 33-63 (Nomos Verlag 2006).

8. ***Judicial Balancing in Times of Stress: Comparing the American, British and Israeli Approaches to the War on Terror*** 27 Cardozo L. Rev. 2079-2150 (2006). Revised version in Andrea Bianchi and Alexis Keller, eds., ***Counterterrorism: Democracy's Challenge*** 357-394 (Oxford: Hart Publishing 2008). An Italian translation in Tania Groppi, ed., ***Democrazia e Terrorismo*** 121 - 200 (Naples: Editoriale Scientifica 2006).

9. ***The European Treaty-Constitution and Constitutional Identity: A View from America,*** *3 International Journal of Constitutional Law (I.CON)* 316-331 (2005) (symposium issue on the European Constitution).

10. ***Constitutional Adjudication in Europe and the United States: Paradoxes and Contrasts,*** 2 *International Journal of Constitutional Law (I.CON)* 633-668 (2004) reprinted in Georg Nolte, ed., ***European and US Constitutionalism*** 197-238 (Cambridge Univ. Press 2005). A Portuguese translation in André Ramos Tavares, ed., ***Justiça Constitucional: Pressupostos Teoricos a Anàlises Concretas*** 223-264 (Belo Horizonte: Editora forum 2007). A Spanish translation in 8 *Revista Iberoamericana de Derecho Procesal Constitucional* 241-282 (2007).

11. ***The European Constitution and Constitution Making in Philadelphia,*** 1 *International Journal of Constitutional Law* (I.CON) 373-78 (2003). A French translation. "La Convention européene et l'oeuvre des constituants américans" in 13 *Cités* 47 (2003).

12. ***Hate Speech in Constitutional Jurisprudence***: ***A Comparative Analysis***, 24 *Cardozo L. Rev.* 1523 (2003). A Hebrew Translation included in Michael Confino, ed., ***The Power of Words and the Frailty of Reason: Propaganda, Incitement and Freedom of Speech*** 112-166 (Tel Aviv: Am Oved publishers 2002).

13. ***Constitutional Migration and the Bounds of Comparative Analysis***, 58 *Annual Survey of American Law* 67-83 (2001) (issue in honor of Norman Dorsen).

14. ***The Rule of Law and the Legitimacy of Constitutional Democracy***, 74 *Southern California Law Review* 1307 - 46 (2001). (An Italian translation in 4 Dirrito e Questione Pubbliche (2005).

15. ***American Constitionalism Confronts Denninger's New Constitutional Paradigm Based on Material Security, Diversity and Solidarity,*** 7 *Constellations* 529-48 (2000). A Portugese translation in 88 *Revista Brasileira de Estudios Politicos* 47-79 (2003).

16. ***Human Rights, Nationalism, and Multiculturalism in Rhetoric, Ethics and Politics: A Pluralist Critique,*** 21 *Cardozo L. Rev.* 1225-42 (2000) (Roundtable on Constitutionalism Constitutional Rights and changing Civil Society).

17. ***"Rule of Law versus Rechtsstaat"*** in Peter Haeberle and Jörg Paul Müller eds., **Menschrechte und Bürgerrechte in einer Vielgestaltigen Welt** (Fribourg: PIFF 2000) (49-71).

18. "***A Pluralist Critique of the Constitutional Treatment of Religion***", in Andras Sajo and Shlomo Avineri, eds., ***The Law of Religious Identity: Models for Post-Communism*** (The Hague: Kluwer Law International 1999) (39-65).

19. ***Can Human Rights Bridge the Gap Between Universalism and Cultural Relativism? A Pluralist Assessment Based on the Rights of Minorities,*** 30 *Columbia Human Rights Law Review* 249-284 (1999). A Spanish version entitled "Una critica pluralista del tratamiento constitucional de las minorias"in Antonio Marzal, ed., ***Derechos humanos del niño, de los trabajadores, de las minorias y complejidad del sujeto*** 95-117 (Barcelona: Jose M. Bosch ed. 1999).

20. ***"La Ve République vue des États Unis" in Les 40 ans de la Ve République*** 1892-1899 (*Revue De Droit Public* Nos. 5-6 special commemorative issue 1998).

21. ***Constitution Making, Identity Building and Peaceful Transition to Democracy: Theoretical Reflections Inspired by the Spanish Example***, 19 *Cardozo L. Rev.* 1891-1920 (1998). (Symposium on peaceful transitions to constitutional democracy). Reprinted in Wojciech Sadurski **Constitutional Theory** (International Library, of Essays in Law and Legal Theories, 2nd series, Ashgate Publishing, Ltd. 2005).

22. "***Citizenship and Statehood: Historical and Theoretical Foundations" in Citizenship and State Succession*** (Council of Europe Publishing 1998) (12-25).

23. ***Justices at Work: An Introduction***, 18 *Cardozo L. Rev.* 1609-13 (1997).

24. "***Towards a Reconstruction of Constitional Equality",*** in Andras Sajo, ed., ***Western Rights? Post-Communist Application*** (Dordrecht/Boston: Kluwer, 1996) (161-192). A Spanish translation, "Hacia una reconstruccion de la igualdad constitucional", 6 *Derecho y Libertades*, 411-443 (1998).

25. "***The Reinforcement of Constitutionalism in the Western States***", in Thomas Fleiner-Gerster, ed., ***Constitutional Development on the Eve of the Third Millenium*** (Fribourg: PIFF, 1995) (135-170).

26. ***Book Review of Apple of Gold: Constitutionalism in Israel and the United States*** by Gary Jacobson, 11 Constitutional Commentary 432-448 (1994).

27. "***Modern Constitutionalism as Interplay Between Identity and Diversity***", in Michel Rosenfeld, ed., ***Constitutionalism, Identity, Difference, and Legitimacy: Theoretical Perspectives*** (Durham: Duke University Press, 1994) (3-35) (also 14 Cardozo L. Rev. 497-531, 1993).

28. ***Comment on Hungarian Constitutional Court Decision Overturning Retroactivity Law***, 1 *Eastern European Constitutional Review*, n. 2, 19-20 (1992).

III. PUBLICATIONS IN AMERICAN CONSTITUTIONAL LAW

1. ***The Supreme Court of the United States 2007-2008 Term: Limiting the Power of the Federal Government in Favor of Individual and State Rights*** (in French translation) in 2009 *Revue de Droit Public 925-941* (co-authored with Elena Cohen).

2. "***The Philosophy of Free Speech in America,***" in Peter Hänni, ed., ***Mensch und staat*** 437-50 (Ed. Univ. Fribourg 2003). ***La philosophie de la Liberté D'Expression en Amerique in L'Architecture du Droit***, 883-895 (de Bechillon et al., eds., Economica : 2006). ***La Filosofia della liberta d'espressione in America,*** (Italian translation) 12 *Ragion Practica* 17-30 (1999). ***La filosofia de la libertad de expression en America*** (Spanish translation) 8 *Derchos y Libertades* 469-83 (2000).

3. ***Bush v. Gore:*** **Three Strikes for the Constitution, The Court and Democracy, But There Is Always Next Season** in Arthur Jacobson and Michel Rosenfeld, eds. ***The Longest Night: Polemics and Perspectives on Election*** **2000,** (Berkeley: the University of California Press 2002) (111-43). French translation in 13 *Les Cahiers du Conseil Constitutionnel* 81-90 (2002).

4. ***"Igualdad y accion afirmativa para las mujeres en la Constitucion de los Estados Unidos***" in ***Mujer y Constitucion en España*** (Madrid: Centro de Estudios Politicos y Constitucionales 2000) (83-102). ***Le principe d'égalite appliqué***

aux femmes dans la jurisprudence de la Cour Suprême Américaine, 5 *Cahiers du Conseil Constitutionnel* 67-74 (1998).

5. ***Bilingualism, National Identity and Diversity in the United States***, *34 Revista de Llengua I Dret 129 (2000).* "Bilinguismo, identidad nacional y diversidad en los Estados Unidos" in Jose Maria Sauca, ed., ***Lenguas, Politica, Derechos*** (Madrid: Univ. Carlos III 2000) (189-208). (Spanish translation).

6. ***"Teaching Constitutional Law in the United States"*** in Jean François Flauss, ed., ***L'enseignement du droit constitutionnel*** (Brussels: Bruylant 2000) (163-68).

7. "***Le point de vue du droit Américain***", in Michel Troper, ed., ***Interventionisme Economique et pouvoir local en Europe*** (Paris: Economica 2000) (137-39).

8. ***Les décisions constitutionelles de la Cour suprême américaine pour la session 1998-1999: redéfinir les limites du féderalisme au détriment des droits individuels,*** 2000 *Revue de Droit Public* 1329-42.

9. "***Les discriminations positives en droit constitutionnel americain"***, in Patrick Fraisseix, ed. ***Mélanges en l'honneur de Patrice Gélard*** (Paris: L.J.D.C. Montchrestien 1999) (457-66).

10. "***Egalité Constitutionelle et constitutionalisation aux USA"***, in Anne-Marie Le Pourhiet ed. ***Droit Constitutionnel Local*** (Aix-en-Provence: Economica 1999) (341-59).

11. ***Interpretacion Judicial y Aplicacion de la Constitucion en los Estados Unidos,*** 7 *Cuadernos de Derecho Publico 77-91 (1999).*

12. ***"American Report on Bioethics and The Constitution***" (in French) in Noelle Lenoir, Betrand Mathieu, and Didier Maus, eds., ***Constitution et Éthique biomédicale***, 29-35 (Paris: La documentation Françise 1998).

13. ***L'aide au suicide en droit constitutionnel Amèricain,*** 49 *Rapport Public du Conseil D'État* 379-87 (1998).

14. ***États-Unis: Évaluation de la Session 1995-96 de la Cour Suprème à Travers L'Évolution des Tensions Entre Le Fédéralisme et le Droit d'Égalité***, 1997 *Revue Belge de Droit Constitutionnel* 31-43.

15. "***Free Speech, Equality and Minority Access to the Media in the United States,***" in Andras Sajo and Monroe Price, eds.,***Rights of Access to the Media*** (Dordrecht/Boston: Kluwer, 1996) (51-85). A French translation,"Liberté d'expression, égalité et accès des minorités aux médias aux Etats Unis", in Guy Haarscher and Boris Libois, eds., ***Les médias entre droit et pouvoir: redéfinir la liberté de la presse*** (Brussels: Editions de L'Université de Bruxelles, 1995) (75-101).

16. ***"Nascita, origine, ed evoluzione dei diritti umani negli Stati Uniti"***, in Paulo Comanducci and Riccardo Guastini, eds., ***Analisi e Diritto 1996***, 227-253 (Turin: G. Giapichelli editore 1996) (Italian translation of Birth and Evolution of Human Rights in the United States). ***Nacimiento y evolucion de los derechos humanos en los Estados Unidos***, 18/19 *Cuadernos Constitucionales de la Cátedra Fadrique Furio Ceriol, Universitat de Valencia* 73-95 (1997) (Spanish translation).

17. ***Executive Autonomy, Judicial Authority and the Rule of Law: Reflections on Constitutional Interpretation and the Separation of Powers***, 15 *Cardozo L. Rev.* 137-174 (1993) (Symposium on Executive Branch Interpretation of the Law).

18. The ***Failures of Federalism in the United States***, 1 *Föderalismusstudien* 247-265 (1993) (Symposium on Federalism Between Integration and Secession).

19. ***Metro Broadcasting v. FCC: Affirmative Action at the Crossroads of Constitutional Liberty and Equality***, 38 *UCLA Law Review* 583-635 (1991).

20. ***Decoding Richmond: Affirmative Action and the Elusive Meaning of Constitutional Equality***, 87 *Michigan Law Review* 1729-94 (1989).

22. ***Extremist Speech and The Paradox of Tolerance*** (Review of Lee C. Bollinger, *The Tolerant Society*), 100 *Harvard Law Review* 1457-81 (1987).

23. ***Justice, égalité et action positive: justification et limites***, 17 *Revue De Droit, Université De Sherbrooke,* 243-346 (1986).

24. ***Affirmative Action, Justice and Equalities: A Philosophical and Constitutional Appraisal***, 46 *Ohio State Law Journal* 845 924 (1985).

25. ***The Jurisprudence of Fairness: Freedom Through Regulation in the Marketplace of Ideas***, 44 *Fordham Law Review* 877-922 (1976).

IV. PUBLICATIONS IN LEGAL AND POLITICAL THEORY

1. ***"Should Constitutional Democracies Redefine Emergencies and the Legal Regimes Suitable for Them"*** in Austin Sarat, ed., ***Sovereignty, Emergency and Legality*** (Cambridge: Cambridge University Press 2009) (forthcoming).

2. ***"The Judge as Moral Arbiter? The Case of Abortion"*** in Andras Sajo, ed., ***Constitutional Axiology*** (Eleven Publishing 2009) (forthcoming) (co-authored with Susanna Mancini).

3. ***Habermas's Call for Constitutional Patriotism in an Age of Global Terror: A Pluralist Appraisal,*** 14 *Constellations* 159-181 (2007).

4. ***Equality and the Dialectic Between Identity and Difference*** in Omid A. Payrow Shabani, ed., ***Multiculturalism and Law: A Critical Debate*** 156-181 (Univ. of Wales Press 2006) (also in 39 *Israel Law Review* 51-80 (2006)).

5. ***Derrida's Ethical Turn and America: Looking Back From The Crossroads of Global Terrorism and the Enlightenment,*** 27 Cardozo L. Rev. 815-845 (2005) (symposium on Derrida in America). Reprinted in Goodrich, Hoffman, Rosenfeld and Viesmann, eds., ***Derrida and Legal Philosophy*** (Palgrave MacMillian Ltd. 2008 (forthcoming).

6. ***Dworkin and the One Law Principle: A Pluralist Critique,*** 59 *Revue Internationale de Philosophie 363-92* (2005) (with a reply by Ronald Dworkin).

7. ***Spinoza's Dialectic and the Paradoxes of Tolerance: A Foundation for Pluralism?*** 25 *Cardozo L. Rev.* 759-92 (2003) (Symposium on Spinoza and Law).

8. ***"Justice, Theories of"*** in Italian translation ***Enciclopedia delle Scienze Sociali***, vol. IX 142-155 (2001).

9. ***Comprehensive Pluralism is Neither An Overlapping Consensus nor a Modus Vivendi: A Reply to Professors Arato, Avineri and Michelman***, 21 *Cardozo L. Rev.* 1971 - 1997(2000) (Book review panel on *Just Interpretations: Law Between Ethics and Politics).*

10. ***Pluralist Critique of Contractarian Proceduralism.*** *11 Ratio Juris* 291-319 (1998). An Italian translation: ***"Per una critica pluralista del proceduralismo contrattualista"*** in Paulo Comanducci and Ricardo Guastini eds., ***Analisi e Diritto* 1997,** 145-175 (Turin: G. Giappichelli editore 1998).

11. ***E realmente possibile la guistizia procedurale pura?***, an Italian Translation of "Is Pure Procedural Justice Possible?" 9 *Ragion Practica* 137-43 (1998).

12. ***Introduction: Habermas Discourse Theory of Law and Democracy***" (with Andrew Arato), in Michel Rosenfeld and Andrew Arato, eds., ***Habermas on Law and Democracy: Critical Exchanges*** (Berkeley: The University of California Press, 1998) (1-9).

13. ***"Can Rights, Democracy, and Justice Be Reconciled through Discourse Theory? Reflections on Habermas's Proceduralist Paradigm of Law"***, in *id.* 82-112 (also, *17 Cardozo L. Rev.* 791-824, 1996).

14. "***Pragmatism, Pluralism and Legal Interpretation: Posner's and Rorty's Justice Without Metaphysics Meets Hate Speech***", in Morris Dickstein, ed., ***The Revival of Pragmatism: New Essays on Social Thought, Law, and Culture***, (Durham: Duke University Press, 1998) (324-43) (also, 18 Cardozo L. Rev. 97-151, 1997). Reprinted in Alan Malachowski, ***Rorty***, vol. 4 (Sage Masters of Modern Thought Collection 2002).

15. "***The Identity of the Constitutional Subject",*** in Peter Goodrich and David Carlson, eds., ***Law and the Postmodern Mind: Essays on Psychoanalysis and Jurisprudence*** (Ann Arbor: University of Michigan Press, 1998) (143-174) (also, *16 Cardozo L. Rev.* 1049-1109, 1995).

16. ***A Pluralist Look at Liberalism, Nationalism and Democracy: Comments on Shapiro and Tamir,*** 3 *Constellations* 326-339 (1997) (Symposium on Liberal Nationalism).

17. "***Restitution, Retribution, Political Justice and the Rule of Law"*** in J. Ralph Lindgren, ***Horizons of Justice*** (New York: Peter Lang, 1996) (181-213) (also, 2 *Constellations* 309-332, 1996).

18. ***Law as Discourse: Bridging the Gap Between Democracy and Rights*** (Review of Jürgen Habermas' *Between Facts and Norms),* 108 *Harvard Law Review* 1163-89 (1995). Reprinted in Tom Campbell and Adrienne Stone, eds., ***Law and Democracy*** (London; Ashgate 2003). A Portuguese translation was published in 10 *Revista Do*

Ministerio Publico Do Estado De Maranhao 9-44 (2003). A French translation in 2007 *Revue du droit public* n.6, pp. 1506-1533.

19. "***Possibilité de la démocracie et déconstruction du droit***", in Dominique Rousseau, ed., ***La démocracie continues*** (Paris: L.G.D.C. - Bruylant, 1995) (93-108).

20. ***Autopoiesis and Justice***, 13 ***Cardozo Law Review*** 1681-1712 (1992) (Symposium on Niklas Luhmann).

21. "***The Semiotics of Justice: Readings Across the Boundaries Between Law, Ethics and Politics***", in Roberta Kevelson, ed., ***Semiotics and the Human Sciences***, (New York: Peter Lang, 1992) (317-355).

22. ***Deconstruction and Legal Interpretation: Conflict, Indeterminacy and the Temptations of the New Legal Formalism***", in Drucilla Cornell, Michel Rosenfeld and David Carlson, eds., ***Deconstruction and the Possibility of Justice*** (New York: Routledge, 1992) (152-210) (also, 11 *Cardozo L. Rev.* 1211-1267, 1990).

23. ***Derrida, Law, Violence and The Paradox of Justice***, 13 *Cardozo Law Review* 1267-1272 (1991) (Roundtable on Deconstruction, Justice and the Ethical Relationship).

24. ***Introduction*** (with D. Cornell and D. Carlson) in Drucilla Cornell, Michel Rosenfeld and David Carlson, eds., ***Hegel and Legal Theory*** (New York: Routledge, 1991) (ix-xviii).

25. ***Hegel and the Dialectics of Contract***, in *id.*, (228-257) (also, 10 *Cardozo L. Rev.* 1199-1269, 1989).

26. "***Connecting and Disconnecting Fact, Symbol, Cause and Context to Shape the Meaning of Racial Equality***", in Roberta Kevelson, ed., ***Law and Semiotics***, Vol. III (New York: Plenum, 1990) (301-321).

27. ***Action positive et justice: une défence***", in Michael Krauss, ed., ***Action positive: théorie et conséquences*** (Montréal: Les Editions Yvon Blais, Inc. 1989) (29-52).

28. ***Substantive Equality and Equal Opportunity: A Jurisprudential Appraisal***, 74 *California Law Review* 1687-1712 (1986).

29. ***Contract and Justice: The Relation Between Classical Contract Law and Social Contract Theory***, 70 *Iowa Law Review* 769-900 (1985).

V. OTHER PUBLICATIONS

1. ***Vers Une Mondialisation de la pensée juridique,*** *Libération,* August 18, 1997, p. 5.

2. ***Pour la Cour suprême comparaison nest pas dérasion***, *Le Monde*, July 26, 1997, p. 10.

3. ***Book Review of Constitutional Policy and Change in Europe,*** 91 *American Political Science Review* 215-16 (1997).

4. ***Book Review of Law's Freedom: The Moral Reading of the American Constitution*** by Ronald Dworkin, *New York Law Journal*, Aug. 7, 1996.

5. ***Preface to Symposium Issue "Habermas on Law and Democracy: Critical Exchanges***", 17 *Cardozo L. Rev.* 767-69 (1996).

6. ***Book Review of Taylor, Affirmative Action at Work***, 73 *Social Science Quarterly* 960-61 (1992).

7. ***The Transformation of the Attorney - Client Privilege: In Search of an Ideological Reconciliation of Individualism, the Adversary System and the Corporate Client's SEC Disclosure Obligations***, 33 *Hastings Law Journal* 495-550 (1982).

8. ***Between Rights and Consequences: A Philosophical Inquiry Into The Foundations of Legal Ethics in the Changing World of Securities Regulation***, 49 *George Washington Law Review* 462-538 (1981).

Selected Presentations and Conferences

2009

1. ***Panelist.*** International Workshop on "Security and Law: Facing the Dilemmas", European University Institute, Florence, Italy, January 22-23, 2009. Subject of Presentation: "Judicial Treatment of 'War on Terror' cases in Comparative Perspective".

2. ***Speaker.*** Faculty Seminar, Department of Law, European University Institute, Florence, Italy, February 25, 2009. Subject of Presentation: "Rethinking Constitutional Order in an Era of Legal and Ideological Pluralism".

3. ***Speaker.*** Columbia Law School Center for the Study of Law and Culture Workshop on "Hate Speech and Incitement to Violence", New

York City, April 20, 2009. Subject of Presentation: "Hate Speech in Constitutional Jurisprudence: A Comparative Analysis".

4. ***Speaker.*** International Conference on Religious Pluralism sponsored by "Tres Culturas" foundation at the University of Jaen, Spain, May 21-22, 2009. I delivered "Concluding Remarks".

5. ***Panelist.*** 4th Galilee Colloquium on Social, Moral and Legal Philosophy on "Immigration, Asylum-seeking and citizenship: Entitlement, Individual Rights and Collective Identities", Kfar Blum Israel, June 11-14, 2009. Subject of Presentation "The Functional and Identitarian Dimensions of Contemporary Citizenship in National and International Settings".

6. ***Chair of Program Committee and Panelist.*** International Association of Law Schools (IALS) Conference on Constitutional law. American University and Georgetown University Law Schools, Washington D.C., Sept 11-12, 2009. Subject of Presentation: "Borrowing in Constitutional Making and Adjudication".

7. ***Panelist.*** Conference on "Courts and Democracy". European University Institute Robert Schuman Centre for Advanced Studies. Florence, Italy, Sept 15-16, 2009. Subject of Discussion (with co-panelists, Stephen Breyer, US Supreme Ct. and Aharon Barak, former President, Israel Supreme Court) "Balancing and Proportionality in Constitutional Adjudication".

2008

1. ***Panelist:*** Workshop on "Global Constitutionalism: Process and Substance" organized by the Swiss National Foundation and the University of Basel Law School, Kandersteg, Switzerland, January 17-20, 2008. Subject Panel: "Global Governance and Nation-States".

2. ***Magisterial University Lecture.*** University of Bologna, Italy, March 12, 2008. Subject of Lecture: "Interpretation, Truth and Justice".

3. ***Panelist.*** Public debate on legal positivism. Department of Philosophy, University of Paris I (Pantheon-Sorbonne), Paris, France, April 4, 2008. Subject of presentation "Positivism, Naturalism and Pluralism".

4. ***Faculty Seminar.*** The University of Seville Faculty of Law, Seville, Spain, April 10, 2008. Subject of presentation: "Balancing Liberty and Security in an Age of Terror".

5. ***Public Lecture.*** John Hopkins University Bologna Center, Bologna, Italy, April 16, 2008. Subject of Lecture: "Balancing Human Rights and Security in An Age of Terror".

6. ***Public Lecture.*** Max-Planck Institute for International and Public Law, University of Heidelberg, Germany, May 8, 2008. Subject of Lecture: "Principle or Ideology? A Comparativist Perspective on the U.S. Controversy over Supreme Court Uses of Foreign Authorities".

7. ***Panelist.*** Second Colloquium of the Constitutional Court of Andorra, Andorra-la-Vielle, Andorra, May 15-17, 2008. Subject of Presentation: "The Role of Decisions of Foreign Courts in the Constitutional Jurisprudence of the U.S. Supreme Court".

8. ***Chair and Panelist.*** EUI Workshop on "Religion in European Public Sphere: A Secular Dilemma?", European University Institute, Florence, Italy, May 30-31, 2008. Subject of Presentation: "Religious Symbols in Public Schools: Majority/Minority Perspectives".

9. ***Panelist.*** Symposium on "Typologies of Terrorism and Community of Values". Collège de France. Paris, France, June 4, 2008. Subject of Presentation: "Terrorism and Comparative Constitutional Law".

10. ***Panelist.*** 16th Annual Conference on "The Individual v. the State: "Constitutional Axiology, or is there Anything Behind/Above the Constitution?", Central European University, Budapest, Hungary, June 7-8, 2008. Subject of Presentation: "The Judge as Moral Arbiter? The Case of Abortion".

11. ***Panelist.*** 3d Galilee Colloquium on Social, Moral, and Legal Philosophy, Co-organized by Hebrew University, Tel Aviv University and Bar Ilan University, Kfar Blum, Israel, June 19-21, 2008. Subject of Presentation: "Does Distributive Justice Have a Place in the Constitution?".

12. ***Participant.*** Third Meeting of the Franco-American Legal Network (Headed by Justice Steven Breyer, US Supreme Court and Guy Canivet, French Constitutional Council). Collège de France, Paris, France, July 1-2, 2008.

13. ***Speaker.*** Columbia University Political Theory Workshop, New York City, September 11, 2008. Subject of Presentation: "Rethinking Constitutional Ordering in an Era of Legal and Ideological Pluralism".

14. ***Panelist.*** Symposium "The French Fifth Republic Viewed from Abroad", University of Paris II (Panthéon-ASAS), Paris France, October 3, 2008. Subject of Presentation: "An American Perspective on French Constitutional Adjudication".

15. ***Panelist.*** International Conference on the 2008 U.S. Election, Université Libre de Bruxelles, Brussels, Belgium, October 15, 2008. Subject of Presentation: "2008 US Election: The Clash Between The New Jerusalem and the Age of the Enlightenment".

16. ***Panelist.*** The University of Alabama School of Law Symposium on "Sovereignty, Emergency and Legality", Tuscaloosa, Alabama, October 17, 2008. Subject of Presentation: "Should Constitutional Democracies Redefine Emergencies and the Legal Regimes Suitable for Them?".

17. ***Co-organizer and Panelist.*** Symposium on Constitutionalism and Secularism in an Age of Religious Revival. Benjamin N. Cardozo School of Law, New York City, October 26-27, 2008. Subject of Presentation: "Religion and Secularism in Theory".

18. ***Panelist.*** Boston University Symposium on "The Most Disparaged Branch: The Role of Congress in the 21st Century". Boston, Massachusetts, November 14-15, 2008. Subject of Presentation: "Congress in Comparative Perspective".

19. ***Panelist.*** John Hopkins University International Conference on "Regional Human Rights Mechanisms: The European Convention and the Arab Charter", Bologna, Italy, December 2-3, 2008. Subject of Presentation: "Human Rights: Universalism v. Relativism".

20. ***Closing Public Conference.*** Closing Conference of Blaise Pascal Research Chair, University of Paris I, Paris, December 10, 2008.

2007

1. ***Speaker***. Constitutional Roundtable. The University of Toronto Faculty of Law, Toronto, Canada, January 18, 2007. Subject of Speech: "Comparing Constitutional Review by the European Court of Justice and the U.S. Supreme Court".

2. ***Panelist***. Global Constitutionalism Symposium. Stanford Law School, February 16-17, 2007. Subject of Presentation: "Constitution Making in the European Union".

3. ***Commentator***. Global Fellows Forum, New York University School of Law, March 20, 2007. Subject of Comment: "Modern American Jurisprudence and Jewish Law".

4. ***Panelist.*** International Roundtable on Constitution and Culture, University of Bologna Ravenna Branch, Ravenna, Italy, March 23-24, 2007. Subject of Presentation: "Concluding Remarks: Constitutional Culture, Pluralism and Tolerance".

5. ***Panelist.*** The Roe Green Foundation Conference on "Sacred Violence: Religion and Terrorism". Case Western Reserve University School of Law, Cleveland, Ohio, March 30, 2007. Subject of Presentation: "Responses to Religious Extremism".

6. ***Endowed Lecture.*** H. Malcolm MacDonald Lecture in Constitutional and Comparative Law, The University of Texas, Austin, Texas, April 5, 2007. Subject of Lecture: "Comparing Judicial Uses of Proportionality in War on Terror Cases".

7. ***Co-organizer and Participant.*** Second Meeting of the Franco-American Legal Network (Headed by Justice Stephen Breyer, US Supreme Court and Guy Canivet, French Constitutional Council). Cardozo School of Law, May 15-16, 2007. Subject of Presentation: "Proportionality in Constitutional Adjudication".

8. ***Chair Plenary Session.*** Seventh World Congress of International Association of Constitutional Law. Athens, Greece, June 11-15th, 2007. Plenary Session on "Philosophy Confronts Threats to Constitutionalism".

9. ***Panelist.*** Second Galilee Colloquium on Social, Moral and Political Philosophy, Kfar Blum, Israel, June 21-24th, 2007. Subject of Presentation: "Fundamentalist Religion, the Enlightenment and Pluralism in the Age of Global Terror."

10. ***Panelist.*** Real Instituto Elcano Conference on "The Impact of Global Terrorism on Society". Madrid, Spain, September 6-7, 2007. Subject of Presentation: "Legitimation or Acquiescence? Antiterrorism and Society".

11. ***The Dean Fred Herzog Distinguished Visiting Scholars Lecture.*** The John Marshall Law School, Chicago, Illinois, September 20, 2007. Subject of Lecture: "Balancing Liberty and Security in Times of Stress: Comparing Western Democracies' Approaches to Global Terror".

12. ***Co-Organizer and Panelist.*** "Repenser le constitutionalisme à l'ère de la mondialisation et de la privatisation", October 25-26, 2007. The Sorbonne, Paris, France. Subject of Presentation: "Pluralism and Constitutionalism".

13. ***Co-Organizer.*** "Rethinking Constitutionalism in an Era of Globalization and Privatization". November 4-5, 2007, New York City, Cardozo School of Law and New York University School of Law.

14. ***Panelist.*** "Constitutional Rights and International Human Rights: Separate But Equal?" Conference of The Minerva Center for Human Rights, The Hebrew University of Jerusalem, Jerusalem, Israel. November 18-19, 2007. Subject of Presentation: "Human Rights and Constitutional Rights: Divergences and Convergences".

15. ***Panelist.*** International Association of Constitutional Law Roundtable on "Writing and Reading Constitutions" in commemoration of the 60th anniversary of the Constitution of Japan, Yakohama, Japan, November 22-24, 2007. Subject of Presentation: "The Problem of Identity in Constitution-Making".

2006

1. ***Panelist:*** "Fulbright Israel/USIEF 50th Anniversary Symposium: Comparative Perspectives on Public Law", The Hebrew University of Jerusalem and the Herzliya Interdisciplinary Center, Israel, January 29-30, 2006. Subject of Presentation "Universal Equality Rights? Comparing Equality as Identity versus Equality as Difference."

2. ***Panelist:*** Convention on French Institutions organized by Nicolas Sarkozy, France's Minister of the Interior and President of UMP Party. National Assembly, Paris, France, April 5, 2006. Subject of Presentation: "Comparing American and French Separation of Powers".

3. ***Participant:*** First meeting of the Franco-American Legal Network (Headed by Justice Stephen Breyer, US Supreme Court and Guy Canivet, First President of France's Cour de Cassation), Collège de France, Paris, France, April 10-11, 2006. Subject of Presentation: "Pluralism as Problem and as Solution".

4. ***Panelist:*** Symposium on "Terrorism: Challenges to Political Theory". École Normale Supérieure, Paris, France, May 29-30, 2006. Subject of Presentation: "Global Terrorism and the Enlightenment: Derrida vs. Habermas".

5. ***Panelist:*** 1st Galilee Colloquium on Social, Moral and Legal Philosophy: "The Justification and Limits of Humanitarian Interventation: Normative and Practical Effects" co-organized by

Bar Ilan University, The Hebrew University in Jerusalem and Tel Aviv University. Kfar Blum, Israel, June 15-18, 2006. Subject of Intervention: "Pluralism and Humanitarian Intervention".

6. ***Organizer:*** Symposium on "Preserving Civil Liberties in an Age of Terror: International Perspectives". Benjamin N. Cardozo School of Law, New York City, September 20-21, 2006.

7. ***Speaker:*** Columbia University School of Law Colloquium on Comparative Law. New York City, September 27, 2006. Subject of Presentation: "Proportionality in Comparative Constitutional Law".

8. ***Panelist:*** IX International Forum on Constitutional Justice, co-organized by Constitutional Court of the Russian Federation and the Venice Commission. Moscow, Russia, October 26-28, 2006. Subject of Presentation: "Spreading Liberalism to New Democracies".

9. ***Panelist:*** Conference on "Democracy, Separation of Powers and the Fight Against Terrorism", University of Geneva, Switzerland, November 16-18, 2006. Subject of Presentation: "The Way Forward: A Comparative Constitutional Perspective".

2005

1. ***Panelist*** : AALS Annual Meeting Section on Comparative Law, San Francisco, CA Jan 8, 2005. Subject of Presentation: "The Other in Comparative Law".

2. ***Panelist:*** New Century Institute Conference on Constitution-Making in Taiwan, New York City, January 14, 2005. Subject of Presentation: "Comparative Perspectives on the Making of New Constitutions".

3. ***Commentator:*** The Tenth Annual Timothy A Gelatt Dialogue on Law and Development in Asia. New York University School of Law, January, 18, 2005. Subject of Commentary: "The Constitution of Taiwan".

4. ***Panelist:*** Derrida/America: The Present State of America's Europe Symposium, Benjamin N. Cardozo School of Law, New York City, February 20-21, 2005. Subject of Presentation: "Derrida and the Other: Between Europe and America"

5. ***Panelist:*** International Conference on "National Constitutional Courts and European Courts: Competition or Collaboration?" (in memoriam Louis Favoreu). Faculty of Law, University of Athens. Athens, Greece, May 12-14, 2005. Subject of Presentation: "Uses of Foreign Decisions in Constitutional Adjudication by the US Supreme Court".

6. ***Panelist:*** International Conference "60 Years Since The End of WWII and its Impact on the Law", University of Haifa School of Law, Haifa, Israel, May 29-June 2, 2005. Subject of Presentation: "Jurisprudence since WWII: A Revival of Natural Law?"

7. ***Panelist:*** Congress of French Constitutionalists Organized by the French Association of Constitutional Law, University of Montpellier, Montpellier, France, June 9-11, 2005. Subject of Presentation: "The European Constitution, the Nation-State and Constitutional Identity: A View from the US".

8. ***Public Speech:*** National Academy of Law and Social Sciences of Cordoba, Argentina. Cordoba, Argentina, June 23, 2005. Subject of Speech: "Political Rights in Times of Stress".

9. ***Panelist:*** Roundtable on "Constitutionalism in Times of Emergency" organized by the International Association of Constitutional Law, and the Argentinean Association of Constitutional Law, Cordoba, Argentina, June 24-25, 2005. Subject of Presentation: "Judicial Balancing in the Context of the War on Terror".

10. ***Co-organizer and Participant:*** International meeting on "Terrorism, Globalism and the Rule of Law" held at the Bellagio Study and Conference Center under a grant by the Rockefeller Foundation. Bellagio, Italy, July 18-22, 2005.

11. ***Speaker:*** Real Instituto Elcano, Madrid, Spain September 8, 2005. Subject of Speech "Judicial Balancing in Cases Arising out of the War on Terror".

12. ***Panelist:*** International Conference on "Constitutional Reengineering New Democracies: Taiwan and the World", Taipei, Taiwan, October 28-29, 2005. Subject of presentation: "The Problem of Identity in Constitution Making and Constitutional Reform".

13. ***Plenary Session Speaker:*** International Conference on "The Future of the European Judicial System -- The Constitutional Role of European Courts," Humbolt University, Berlin,

Germany, November 2-4, 2005. Subject of speech: "Comparing the European Court of Justice and the US Supreme Court".

14. ***Panelist:*** International Conference on "Terrorism in Europe", École Nationale de la Magistrature, Paris, France, November 7-9, 2005. Subject of Presentation: "The Balance Between Liberty and Security in the Fight Against Terrorism as it Emerges from the Jurisprudences of the US, UK and Israel".

15. ***Speaker:*** Bar Association of the City of Paris, Paris, France, November 9, 2005. Subject of Speech: "Human Rights and the War on Terror in the United States".

16. ***Speaker:*** International Conference on "Conflict Between Norms and Between Values," University of Paris X (Nanterre) Center for Philosophy of Law, Nanterre, France, December 16, 2005. Subject of Speech: "Proportionality: Internal and External Criteria".

2004

1. ***Co-Organizer and Inaugural Speaker:*** VI World Congress of the International Association of Constitutional Law on "Old Concepts: New Worlds", Santiago, Chile, January 11-16, 2004. Subject of speech: "Constitutional Challenges for the Twenty First Century."

2. ***Panelist:*** Symposium on "Equality and Justice: American and French Perspectives" co-organized by the University of Paris X Law School (Nanterre) and American University Washington College of Law, Paris, France, April 2-3, 2004. Subject of presentation "Differences in the French and American Conceptions of Equality."

3. ***Co-organizer and Commentator*** "Altneuland*:* European and American Perspectives on the New European Constitution" co-sponsored by the Hauser Global Law School Program and Jean Monnet Center at the New York University School of Law and the Woodrow Wilson School of Public and International Affairs at Princeton University, New York- Princeton, April 28-30, 2004.

4. ***Panelist:*** "La Constitution Européene" Conference, organized by the University of Paris XII (St. Maur) Paris, National Assembly, June 3-4, 2004.

5. ***Panelist:*** Conference on "The Migration of Constitutional Ideas", the University of Toronto Law School, Oct. 13-15, 2004.

6. ***Panelist:*** "International Conference in Social and Political Philosophy at the University of Guelph", Guelph, Canada, Nov. 13-14, 2004.

7. ***Public Lecture:*** Seminar on Legal Philosophy, Institut des Hautes Études Sur La Justice, Paris, France, Dec. 6, 2004. Subject of Presentation: "Legal and Moral Limits in the Struggle Against Terrorism."

8. ***Panelist:*** International Conference: "Towards a European Constitution: Process of Integration or Issues of Discord?" Institute for European Studies, Hebrew University in Jerusalem, Dec 12-13, 2004.

2003

1. ***Panelist:*** Symposium on "The Future of European Institutions and of Transatlantic Relations." Co-organized by Paris I (Sorbonne) Law School, The School of Advanced International Studies, John Hopkins University and The Robert Schuman Foundation. Paris, France, January 17, 2003. Subject of Presentation: "The European Constitution from an American Perspective."

2. ***Panelist:*** Unidem Seminar of Venice Commission, co-organized by University of Göttingen and Yale Law School, on "European and American Constitutionalism," University of Göttingen, Germany May 23-24. 2003. Subject of Presentation: "Constitutional Adjudication in Europe and the United States: Paradoxes and Contrasts."

3. ***Panelist***: Symposium on "Michel Rosenfeld's The Identity of the Constitutional Subject and the Challenge of Social Rights", University of Minas Gerais Law School, Belo Horizonte, Brazil, August 18-19, 2003.

4. ***Panelist:*** Roundtable on Constitutional Courts, University of Melbourne Law School, Melbourne, Australia, October 4-5, 2003. Subject of Presentation: "The U.S. Supreme Court's Decision in *Bush* v. *Gore.*"

5. ***Panelist:*** International Conference on "Corruption and the Rule of Law", CIDE, Mexico City, October 30-31, 2003.

6. ***Speaker***: Special Conference to Mark the 25th Anniversary of the Spanish Constitution organized by, and held at, the Senate of

Spain, Madrid, Spain, November 21, 2003. Subject of Speech: "The Challenge to Fundamental Rights in the Twenty First Century."

2002

1. ***Panelist:*** "The Jurisprudence of War" International Conference jointly organized by the Columbia and New York University Schools of Law. New York, February 15-16, 2002. Subject of Panel: "The Law of the Exception."

2. ***Co-Organizer and Panelist:*** Floersheimer Center for Constitutional Democracy Center Conference on "Fundamentalisms, Equalities and the Limits of Tolerance in a Post 9/11 Environment." Cardozo School of Law. April 21-22, 2002.

3. ***Public Lecture:*** "Emergency Powers and Fundamental Rights", Colegio de Abogados (Bar Association), Madrid, Spain, May 29, 2002.

4. ***Panelist:*** American Association of Law Schools and American Political Science Association Conference on Constitutional Law, Washington D.C., June 5-8 2002. Plenary Session on "The Function of Constitutional Courts."

5. ***Speaker:*** Nanjing University - John Hopkins University Center for Chinese and American Studies, Nanjing, China, Dec. 2, 2002. Subject of speech "The 2000 U.S. Election."

6. ***Panelist:*** Conference on "Comparative Judicial Cultures: France, UK, US - Powers and Privileges of the Executive Branch." Co-organized by the Cour de Cassation, Paris I (Sorbonne) Law School and Institut des Hautes Études de la Justice, Paris, France, December 19, 2002.

2001

1. ***Panelist and Debater:*** Conference on the U.S. Supreme Court's Decision in *Bush* v. *Gore*. Institut International d'Administration Publique, Paris, France, January 12, 2001.

2. ***Speaker:*** Faculty Lunch, New York University School of Law, February 27, 2001. Subject of Presentation: "Hate Speech Jurisprudence in Comparative Perspective."

3. ***Panelist:*** Symposium on "Transnational Issues of Constitutional Law", Harvard Law School, March 2-3, 2001. Subject of Presentation: "Migration of Constitutional Ideas."

4. ***Panelist:*** Georgetown/U of Maryland Constitutional Law Conference, College Park Md., March 9-10, 2001. Subject of Presentation: "Constitutionmaking: Lessons from the Spanish Case."

5. ***Public Lecture:*** Colegio de Abogados (Bar Association), Madrid, Spain, May 17, 2001. Subject of lecture: "Rule of Law and the Legitimacy of Constitutional Democracy."

6. ***Moderator and Participant*** . Seminar on "Origins of Constitutional Control and Transformation of Democracy: the United States, Great Britain, Germany, France and Italy," co-sponsored by the Italian Constitutional Court, the NYU Global Law School Program and the Olivetti Foundation. Rome, Italy, May 24-25 (2001).

7. ***Acted as President and Speaker***: Roundtable in Honor of the 20th Anniversary of the International Association of Constitutional Law, co-sponsored by the French Constitutional Council, Senate, National Assembly and Prime Minister's office. Paris, France, May 31-June 1, 2001.

8. ***Keynote Speaker****:* RULCI Colloquium co-organized by the University of the Western Cape and Stellenbosch University, August 16-17, Stellenbosch, South Africa. Subject of Presentation: "Constitutional Interpretation and Politics."

9. ***Panelist:*** Georgetown Law Center "Conference on Constitutional Law", Washington, D.C., Nov. 30 Dec. 1, 2001. Subject of Panel: "Membership, Identity and Integration: Creating the Constitutional Citizen."

10. ***Speaker*****:** International Conference on Constitutional Justice organized by the Faculty of Law of the University of Louvain La Neuve. Brussels, Belgium, December 6, 2001.

2000

1. ***Public Lecture:*** Institute for European Studies, The Hebrew University of Jerusalem, Israel. February 28, 2000. Subject of presentation: "New Models of Constitution Making in Europe."

2. ***Panelist:*** Ytzhak Rabin Center, Tel Aviv, Israel, International Conference in Commemoration of the 78th birthday of Ytzhak Rabin: "Patterns of Political Discourse: Propaganda, Incitement and Freedom

of Speech." February 28 - March 1, 2000. Subject of presentation: "Hate Speech in Constitutional Jurisprudence: A Comparative Analysis."

3. ***Panelist:*** Conference on "Municipal Government and Religious Education." Constitutional Court, Rome, Italy. March 2-3, 2000. Subject of presentation: "Constitutional Constraints on State Aid to Religious Education."

4. ***Co-organizer and Moderator:*** Cardozo - NYU Program on "Current European and U.S. Constitutional Issues" with Members of the Court of Justice of the European Communities and Justices of the U.S. Supreme Court, New York, April 16-17, 2000.

5. ***Public Debate:*** "La Justice: qu'attendre du droit" (Justice: What to Expect From Law?),(Debate with Profs. Blandine Kriegel and Dominique Rousseau). Montpellier, France, Libraire Sauramps, May 9, 2000.

6. ***Panelist***: Brazilian Association of Constitutional Law and First Congress of Constitutionalists of Mercosur, University of Sao Paulo Law School, Sao Paulo, Brazil, Aug. 24-26, 2000. Subject of presentation: "Judicial Review in the United States."

7. ***Public Lecture***: Institute of Law, Chinese Academy of Social Sciences, Beijing, China, October 17, 2000. Subject of Lecture: "The Fundamental Tenets of Constitutionalism."

8. ***Panelist***: Conference entitled "Is European Culture Possible?" Dartmouth College, Hanover, New Hampshire, October 25, 2000. Subject of Presentation: "Hate Propaganda and Limits of Tolerance."

9. ***Panelist***: Sino-Swiss symposium on the Rule of Law, sponsored by the China Law Society and the Swiss Ministry of Foreign Affairs, Beijing, China, November 28-30, 2000. Subject of presentation: "The Rule of Law and the Legitimacy of Constitutional Democracy."

10. ***Panelist***: Symposium on "Language Rights and the Constitution", University of Rennes, Faculty of Law and Faculty of Political Science, Rennes, France, Dec. 7-8, 2000. Subject of presentation: "Bilingualism, National Identity and Diversity in the United States."

11. ***Keynote Speaker***: Symposium on "Mutation of the Conception of Constitutionalism in the Context of Globalization and New Conflicts", University of Nancy 2, School of Law, Nancy, France, Dec. 21-22, 2000.

1999

1. ***Presenter:*** New School Political Theory Colloquium, New School University, New York City, March 30, 1999.

2. ***Respondent:*** Cardozo Law Review Conference on "A critical Analysis of *Just Interpretations: Law Between Ethics and Politics* by Michel Rosenfeld", Cardozo Law School, New York City, April 15, 1999.

3. ***General Reporter:*** Forum of Federations International Conference on Federalism. Mont Treblant, Quebec, Canada, Oct. 5-8, 1999. (Part of small American delegation, which included President Clinton, former Labor Secretary Robert Reich and Wisconsin Governor Tommy Thompson). Subject of Report: Federalism, Citizenship and Social Diversity.

4. ***Keynote Speaker:*** Conference on "Democratic Transition and Consolidation in Central and Eastern Europe: 1989-1999." University of Fribourg, Friboug, Switzerland, Dec 2-4, 1999.

1998

1. ***Panelist***: Sawyer Seminar on "Mass Media and the Public Sphere" funded by the Mellon Foundation at the Graduate Faculty, New School For Social Research, New York City, February 20, 1998. Subject of presentation: "Viewpoint Diversity in American Broadcasting."

2. ***Faculty Member*** ABA Central and East European Law Initiative (CEELI) program with members of the Albanian Constitutional Drafting Commission. March 3-5, 1998, Washington, D.C. Topics of lectures: "Models of Judicial Review and Constitutional Amendment Provisions."

3. ***Panelist:*** Colloquium on "Human Rights and Citizens Rights in a Pluralist World", May 21-24,1998, Dissentis, Switzerland. Subject of Presentation: American Conception of the Rule of Law.

4. ***Panelist***: Symposium on "Economic Interventionism and the Powers of Local Government in Europe", May 28-29, 1998, École Normale Supérieure, Paris, France. Subject of Presentation: "Local Government Economic Interventionism and Federalism in the United States."

5. ***Panelist:*** Forum on "Constitutional Law and Comparative Jurisprudence" organized by the Luso-American Foundation and the Portuguese Philosophical Society, Convento da Arrabida, Portugal,

June 8-11, 1998. Subject of Presentation: "Theories of Constitutional Interpretation in American Jurisprudence."

6. ***Panelist:*** Conference on "Contemporary American Constitutional Democracy" organized by Société Française pour la philosophie et la théorie juridques et politiques (S.F.P.I.) and le Centre de Recherches Politiques Raymond Aron, École des Hautes Etudes en Sciences Sociales, Paris, France, June 12, 1998. Subject of Presentation: "Equality and Constitutional Identity."

7. ***Panelist:*** Roundtable on the "Teaching of Constitutional Law," Swiss Institute of Comparative Law, University of Lausanne, Switzerland, June 19-20, 1998.

8. ***Member:*** United States Supreme Court Delegation Visiting the Highest French Courts (Delegation headed by Justice Sandra Day O'Connor and also including Justices Anthony Kennedy, Ruth Bader Ginsburg and Stephen Breyer). Paris, France, July 10-15, 1998.

9. ***Panelist***: Colloquium in celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, organized by the Office of the Prime Minister of France. Part I: Bordeaux, France, Oct. 2-3, 1998. Subject: "Teaching Human Rights", Part II: Caen, France, Oct. 23-24, 1998. Subject: "Bioethics and Human Rights."

10. ***Presenter:*** Faculty workshop, Department of Philosophy, Graduate Faculty, New School University, New York City, Oct. 15, 1998.

11. ***Co-Organizer and Moderator***: International Roundtable on "Constitutionalism, Constitutional Rights & Changing Civil Society", Nov. 19-21, 1998. New York City. Co-sponsored by Cardozo, Columbia and NYU Law Schools.

12. ***Panelist:*** Association of the Bar of the City of New York Conference in celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, New York City, December 10-12, 1998. Subject of panel: "What is a Human Right? Universals and the Challenge of Cultural Relativism."

1997

1. ***Panelist:*** International Symposium on "Constitution and Bioethics." Senate, Paris, France, February 6-7, 1997. Sponsored by the University of Paris I (Sorbonne), UNESCO and the European Commission.

2. ***Panelist:*** Conference on "Democracy and Justice." Columbia University, April 4-6, 1997. Subject of Panel: "Democracy and Constitutionalism." Sponsored by Andrew W. Mellon Foundation.

3. ***Organizer and Panelist:*** "Peaceful Transitions to Democracy: The Exemplary Case of Spain and Its Influence on Eastern Europe." Cardozo Law School, April 8, 1997.

4. ***Panelist:*** "Constitutional Law in a Post-Castro Cuba." New York University School of Law, April 21, 1997.

5. ***Panelist:*** Council of Europe European Commission for Democracy Through Law Conference on "Nationality and State Succession." Vilnius, Lithuania, May 16-17, 1997. Subject of Presentation: "Citizenship and Statehood: Historical and Theoretical Foundations."

6. ***Panelist:*** "Tau International Conference on Civil Rights," Faculty of Law, Tel Aviv University, June 2-4, 1997. Subject of Presentation: "A Pluralist Critique of Contractarian Proceduralism."

7. ***Panelist:*** Conference on "Justice and Procedure," San Remo, Italy, June 12-14, 1997.

8. ***Panelist:*** 13 International Roundtable on Constitutional Justice, Faculty of Law, University of Aix - Marseille, Aix-en-Provence, France, September 12-13, 1997.

9. ***Panelist:*** Symposium on "Multiculturalism, Constitutionalism and Citizenship" sponsored by the Canadian Embassy in France and organized by the Political Science Department of the University of Ottawa and the Sociology Department of the University of Paris X (Nanterre) Paris, France October 9-11, 1997. Subject of Presentation: "A Pluralistic Critique of the Constitutional Treatment of Minorities."

10. ***Panelist:*** International Conference on "The Role of Justice in Developed Societies." Ecole Nationale de la Magistrature, Paris, France, Dec. 8-11, 1997. Subject of Presentation: "The Delivery of Justice in the United States."

1988-1996

1. ***Panelist and Co-Organizer***: "Hegel and Legal Theory Symposium," March 27-29, 1988, Cardozo Law School. Subject of paper: "Hegel and the Dialectics of Contract."

2. ***Lecturer***: International Academy of Constitutional Law, University of Tunis Law School, Tunisia, August 28 - September 2, 1989. Subject

of Lectures: "The Birth and Evolution of Human Rights in North America" (trip funded by USIA).

3. ***Panelist and Co-organizer***: "Deconstruction and The Possibility of Justice" Symposium, October 2 and 3, 1989, Cardozo Law School. Subject of paper: "Deconstruction, Indeterminacy, Conflict, Formalism and Legal Interpretation."

4. ***Co-Organizer and Participant***: The American Council of Learned Societies Conference on "Constitutionalism and the Transition to Democracy in Eastern Europe," Pecs, Hungary, June 18-20, 1990 (funded by Ford Foundation).

5. ***Participant***: Bilateral Conference on "Hungarian Constitutional Revision from an American Constitutional Perspective," Budapest, Hungary, June 21 and 22, 1990 (sponsored by Hungarian Academy of Sciences and IREX).

6. ***Panelist and Co-organizer***: Symposium on "Closed Systems and Open Justice: The Legal Sociology of Niklas Luhmann", March 3-4, 1991, Cardozo Law School.

7. ***General Reporter***: Third World Congress, International Association of Constitutional Law, Warsaw, Poland, September 2-5, 1991. Subject of Report: "The Reinforcement of Constitutionalism in Western States."

8. ***Organizer and Panelist***: Symposium on "Comparative Constitutionalism: Theoretical Perspectives on the Roles of Constitutions in the Interplay Between Identity and Diversity", October 13-14, 1991. Cardozo Law School.

9. ***Presenter:*** Legal Theory Workshop, University of Toronto Law School, Nov. 11, 1991.

10. ***Panelist***: Central European University and University of Chicago Law School Conference on "Political Justice and Transition to the Rule of Law in East Central Europe: Moral, Legal and Social Problems", Prague, Czechoslovakia, Dec. 13-15, 1991. Subject of Panel: "Retribution, Restitution and Justice."

11. ***Panelist***: University of Paris and University of Aix - Marseille Conference "The United States Supreme Court in the Twentieth Century," National Assembly, Paris, France, February 14-15, 1992. Subject of Presentation: "The Political Question Doctrine."

12. ***Panelist***: University of Montpellier Faculty of Law and French Association of Political Science Conference "À la recherche de la

démocratie continue", Montpellier, France, April 2-3, 1992. Subject of Presentation: "Déconstruction du droit et possibilité de la démocratie."

13. ***Organizer and Panelist***: Symposium: "Habermas and Legal Theory," Conference, Cardozo School of Law, September 20-21, 1992.

14. ***Panelist***: Symposium: "Federalism Between Integration and Secession." Deutsches Institut Für Föderalismusforschung, Hannover, Germany, September 21-23, 1992.

15. ***Public Lecture***: Institut des Hautes Etudes de Belgique, Brussels, Belgium, December 17, 1992. Title of Lecture: "Le droit entre l'éthique et la politique."

16. ***Commentator***: University of Chicago Law School Conference on "Women and Minority Rights in Eastern Europe", Chicago, Illinois, February 19-20, 1993.

17. ***Lecturer***, New York University Colloquium on Post-Industrial Culture and the Emergence of New Values, New York City, April 2, 1993. Subject of Lecture: "Between Democracy and Rights: A Critique of Habermas' Dialogic Theory of Law."

18. ***Panelist***: Collège International de Philosophie, Paris, France, Conference on "Démocratie, pragmatisme et scepticisme," May 28-29, 1993. Subject of Presentation: "Pragmatisme, scepticisme et liberté d' expression."

19. ***Panelist***: Central European University Conference on "The Development of Rights of Access to the Media," Budapest, Hungary, June 20-21, 1993. Subject of Presentation: "Free Speech, Equality and Minority Access to the Media in the United States."

20. ***Panelist***: IV Bratislava Symposium on Constitutionalism and Politics, Bratislava, Slovakia, November 11-14, 1993. Subject of Presentation: "Constitutional Identity in a Heterogeneous Society."

21. ***Panelist***: International Colloquium on "Mutations constitutionneles dans l'Océan Indien", Université de la Reunion, April 6-8, 1994. Subject of Presentation: "Le juge constitutionnel et le pouvoir politique."

22. ***Panelist***: International Conference on the Meaning of Rights in Post-Communism, Budapest, Hungary CEU, June 4-5, 1994. Subject of Presentation: "Centrality and Elusiveness of Equality Rights."

23. ***Organizer and Panelist***: "Justices at Work: An International Exchange" with participation of Justice Ruth Bader Ginsburg, U.S. Supreme Court, and Justices on the highest courts of six other countries. Cardozo School of Law, September 19, 1995.

24. ***Keynote Speaker***: "Symposium on Japan's Constitutional Challenges", Miyazaki International College, Miyazaki, Japan, September 28-30, 1995. Subject of Speech: "National Security and the Constitution."

25. ***Panelist***: Conference on "The Revival of Pragmatism," CUNY Graduate Center, November 3-4, 1995, sponsored by CUNY Graduate Programs in English, History and Philosophy, The New York Council for the Humanities and the National Endowment for the Humanities. Panel on "Pragmatism and Legal Thought."

26. ***Panelist***: International Conference on "The Relationship Between Church and State," CEU, Budapest Hungary, June 21-23, 1996, Subject of Presentation: "A Pluralist Critique of the Constitutional Treatment of Religion."

27. ***Panelist***: International Conference on Constitutional Justice, sponsored by CREA and DAAD, Paris, France, June 29, 1996.