

BRUCE ARNOLD ACKERMAN

*Curriculum Vitae*

**Date of Birth:** August 19, 1943

**Family:** Married to Susan Rose-Ackerman. Children: Sybil Rose Ackerman, John Mill Ackerman.

**Present Position:** Sterling Professor of Law and Political Science, Yale University, July 1, 1987

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**Past Positions:**

Law Clerk, Judge Henry J. Friendly, U.S. Court of Appeals, 1967-8

Law Clerk, Justice John M. Harlan, U. S. Supreme Court, 1968-9

Assistant Professor of Law, University of Pennsylvania Law School, 1969-71

Visiting Assistant Professor of Law and Senior Fellow, Yale Law School, 1971-72

Associate Professor of Law & Public Policy Analysis, University of Pennsylvania, 1972-73

Professor of Law and Public Policy Analysis, University of Pennsylvania, 1973-74

Professor of Law, Yale University, 1974-82

Beekman Professor of Law and Philosophy, Columbia University, 1982-87

**Education:**

1. B.A. (summa cum laude), Harvard College, 1964
2. LL.B. (with honors), Yale Law School, 1967

**Languages:** German, Spanish, French, Portuguese

**Professional**

**Affiliations:** Member, Pennsylvania Bar; Member, American Law Institute

**Fields:** Political philosophy, American constitutional law, comparative law and politics, taxation and welfare, environmental law, law and economics, property.

**Honors:** Honorary Doctorate in Constitutional Law, University of Milan, Italy, 2023; Honorary Doctorate in Jurisprudence, University of Trieste, Italy, 2018; Berlin Prize, American Academy, 2015; Commander, Order of Merit of the French Republic, 2003; Henry Phillips Prize in Jurisprudence of the American Philosophical Society, 2002; Fellow, American Academy of Arts and Sciences; Fellow, Collegium Budapest, Fall 2002; Fellow, Center for Advanced Study in the Behavioral Sciences, Spring 2002; Fellow, Woodrow Wilson Center, 1995-96; Fellow, Wissenschaftskolleg, Berlin 1991-92; Guggenheim Fellowship, 1985-86, Rockefeller Fellow in the Humanities, 1976-7.

Top 50 Global Thinker for 2020, Prospect Magazine (UK); Top 100 Global Thinker for 2010, Foreign Policy Magazine; 2006 Scribes Award for *Before the Next Attack*; 1982 Henderson Prize of the Harvard School for *The Uncertain Search for Environmental Quality* as the best book on "law and government published during the years 1972 through 1980"; 1981 Gavel Award of the American Bar Association for *Social Justice in the Liberal State*.

**Lectureships and****Other Positions:**

Max Weber Lecture, European University Institute, 2011; Roberts Lecture, University of Pennsylvania, 2011; Tanner Lectures, Princeton University, 2010; Holmes Lectures, Harvard Law School, October 2006; Ashby Lecture, University of Cambridge, May 2006; Goldstone Lecture, University of Pennsylvania, April 2004; Malagodi Prize Lecture, Rome, Italy, June 2003; 2003 Templeton

Lecture, U.S. Constitution Center, Philadelphia, Pa.; 2001-02; Jorde Lecture, Yale University and University of California, Berkeley; 2000 Moffett Lecture, Princeton University; 1999 Marks Lecture, University of Arizona; 1999 Terrell Lecture, University of Texas; 1997 Hart Lecture, Georgetown University Law School; 1996 McCorkle Lecture, University of Virginia; 1994 Order of the Coif, Inaugural Lecture, University of California, Berkeley; 1993 University of Connecticut Law Review Award; 1990 Friedrich Lecture, Harvard University; 1987 Leary Lecture, University of Utah; 1986 Currie Lecture, Duke University; 1984 Harris Lecture, University of Indiana; 1983 Storrs Lecture, Yale University.

Kyoto Seminar in American Studies, July, 2000; Visiting Professor, University of Rome, May, 1984; Research Scholar, International Institute for Applied Systems Analysis, Vienna, Austria, Summer 1982; Visiting Professor, Environmental Protection Agency, May 1979.

Grants from National Science Foundation, Council on Law Related Studies.

Order of the Coif; Phi Beta Kappa.

## **Publications**

### **Books:**

1. The Postmodern Predicament, Yale University Press: April 2, 2024.
2. Revolutionary Constitutions, Harvard University Press: May, 2019.
3. When Melvin the Camel Meets Donald Trump (with Cody Visnick), 2017.
4. We the People, Vol. 3: The Civil Rights Revolution, Harvard University Press: (2014).(Chinese: China University of Law and Political Science Press, 2019).
5. The Decline and Fall of the American Republic, Harvard University Press: 2010.
6. Before the Next Attack, Yale University Press: 2006.(Spanish: 2007, Italian: 2008).

7. The Failure of the Founding Fathers, Harvard University Press: 2005.
8. Deliberation Day (with James Fishkin), Yale University Press: 2004 (French translation, Librairie Philosophique J Vrin, 2024).
9. Voting with Dollars (with Ian Ayres), Yale University Press: 2002.
10. La Politica del Dialogo Liberal, Gedisa: 1999
11. The Stakeholder Society (with Anne Alstott), Yale University Press: 1999. (German translation: Campus, 2001; developed further by Offe, Grozinger, & Maschke, Die Teilhabegesellschaft - Modell eines neuen Wohlfahrtsstaates (Campus, 2006).
12. The Case Against Lameduck Impeachment, Seven Stories Press: 1999.
13. We the People, Vol 2: Transformations, Harvard University Press: 1998. (Chinese: Law Press China, 2004; new translation ,China University of Law and Political Science Press, 2013) ).
14. The Future of Liberal Revolution, Yale University Press: 1992. German: Ein neuer Anfang fuer Europa, Siedler: 1993. Spanish: Ariel, 1995. Polish: Terminus, 1996; Chinese: China University of Law and Political Science Press, 2014.
15. We the People, Vol 1: Foundations, Harvard University Press: 1991. (French: Au Nom du Peuple, Calmann-Levy, 1998.: Chinese: China Law Press, 2004, Portuguese: Del Rey, 2006 (Brazil)); Chinese: new translation, China University of Law and Political Science Press, 2013).
16. Reconstructing American Law, Harvard University Press: 1984. Spanish: Del Realismo Al Constructivismo Juridico, Ariel: (1989)
17. Clean Coal/Dirty Air (with Hassler), Yale University Press: 1981.
18. Social Justice in the Liberal State, Yale University Press: 1980. Italian: Il Mulino, 1984; Spanish: Centro de Estudios Constitucionales, 1993; Chinese:Yilin Press, 2015.
19. Private Property and the Constitution, Yale University Press: 1977.

20. The Uncertain Search for Environmental Quality (with Rose-Ackerman, Sawyer and Henderson), Free Press: 1973.

### **Edited Volumes:**

1. Kentaro Matsubaru, Jaclyn Neo and Bryan Dennis Tiojanco eds., *Pathways to Constitutional Legitimacy in the Asia Pacific*. Bruce Ackerman, *Three Pathways: Reflections on the Asian Experience* (Elgar: Forthcoming 2026)
2. Francisco José Borges Motta and Gilberto Morbach, eds., *Da Academia à Prática: Diálogos sobre a Crise das Democracias Constitucionais*, Bruce Ackerman, Bruce Ackerman (original) (Tirant lo Blanch 2024)
3. Marco Dani, Marco Goldoni and Agustin J. Menendez eds., *The Legitimacy of European Constitutional Orders: A Comparative Inquiry*; Bruce Ackerman, *Afterword: European Dilemmas* (Elgar: 2023)
4. Antonia Barragia and Lorenza Violini eds., *Symposium: Revolutionary Constitutionalism*; Bruce Ackerman, *Afterword: Multiple Identities*, 12 *Italian Journal of Public Law* 1-125 (2020)
5. Richard Albert ed., *Revolutionary Constitutionalism: Law, Legitimacy, and Power* (Hart: 2020); Bruce Ackerman, *The Race Against Time*.
6. Stephen Skowronek, Stephen Engel & Bruce Ackerman eds., *The Progressives' Century: Democratic Reform and Constitutional Government in the United States*, Yale University Press: 2016
7. Bruce Ackerman, Anne Alstott, and Philippe van Parijs eds., *Redesigning Distribution*, Verso: 2005
8. Editor, *Bush v. Gore: The Question of Legitimacy*, Yale University Press: 2002.
9. Editor, *Economic Foundations of Property Law*, Little Brown: 1975 (2d ed. with Robert Ellickson and Carol Rose, 1995; 3<sup>rd</sup> ed. 2002).

## Articles:

1. Bruce Ackerman, *The Roberts Court's Unprecedented Abuse of Precedent* (December 7, 2025) at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5534243#](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5534243#)
2. Presentation to the Chilean Constituent Assembly: Monday, August 1, 2023: States of Emergency at <https://youtu.be/-E732fgCOuI>
3. Clemenceau's America, preface to Patrick Weil ed., Clemenceau, Lettres d'Amerique (September 19, 2020).
4. My Friend Dieter, preface to Dieter Grimm *Friend of the Constitution: An Autobiography* (trans. Justin Collings), (October 2020)
5. Adios Montesquieu, *Revista del Centro de Estudios Constitucionales*, Vol. 5, Num. 9. Pp. 3-14 (June-Dec. 2019)
6. Scholars Letter: It's Time to End Life Tenure on the Supreme Court, *Supreme Court Term Limits*, July 8, 2019
7. Is Britain ready for a constitutional convention? A rejoinder, *The Political Quarterly* (2018).
8. States of Emergency, in Cass Sunstein ed., *Can It Happen Here?* (HarperCollins 2018)
9. Why Britain Needs a Written Constitution—and Can't Wait for Parliament to Write One, *Political Quarterly* (2018).
10. Good-bye Montesquieu, in Susan Rose-Ackerman & Peter Lindseth eds., *Comparative Administrative Law* (2d ed. 2016)(revised version of essay).
11. Britain at the Constitutional Crossroads (British Academy. December 2, 2016).
12. Reorganizing NATO: Europe's Last Chance to Preserve Fundamental Rights, *The European Commission for Democracy (Venice Commission)* (2016).

13. What is to be Done? in Stephen Skowronek, Stephen Engel & Bruce Ackerman, eds. *The Progressives' Century: Democratic Reform and Constitutional Government in the United States*, Yale University Press (2016).
14. Reactionary Constitutional Moments: Further Thoughts on The Civil Rights Revolution, *Jerusalem Review of Legal Studies* (2016).
15. Three Paths to Constitutionalism – and the Crisis of the European Union, 45 *British Journal of Political Science* 705 (2015). Japanese translation: Horitsu Jiho (April 2015); French translation (June 2018): *Le Grande Continent*.
16. Preface, *Deliberation Day* (with James Fishkin), Japanese edition: 2015.
17. A Third Founding: Part One -- The Twentieth Century Achievement (Reply to the Symposium on We the People, Volume Three: The Civil Rights Revolution), *Balkinization* (May 20, 2014)
18. A Third Founding: Part Two -- Fidelity or Betrayal? (Reply to the Symposium on We the People, Volume Three: The Civil Rights Revolution), *Balkinization* (May 22, 2014)
19. De-Schooling Constitutional Law, 123 *Yale Law Journal* 3104 (2014)
20. Reviving Democratic Citizenship, 41 *Politics and Society* 309 (2013)
21. Interview with Bruce Ackerman in James R. Hackney, *Legal Intellectuals in Conversation*, pp. 189-204 (2012).
22. Preface, *We the People: Foundations* (Chinese edition: The Collected Works of Bruce Ackerman) (2013)
23. Using the Internet to Save Journalism from the Internet, in Axel Gosseries & Yannick Vanderborght eds., *Arguing About Justice: Essays for Philippe Van Parijs* (2011)
24. Goodbye Montesquieu, in Susan Rose-Ackerman & Peter Lindseth eds., *Comparative Administrative Law* pp. 128-33 (2011).

25. The Decline and Fall of the American Republic: Obama's Libyan Intervention, Max Weber Lecture, European University Institute (May 2011)
26. Tres hipotesis sobre las proxima crisis constitutional, 4-19 (April 2011)
27. Lost Inside the Beltway: A Response to Professor Morrison, 124 *Harvard Law Review Forum* 13 (2011)
28. One Click Away: The Case for the Internet News Voucher, in Robert McChesney & Victor Pickard eds., *Will the Last Reporter Please Turn Out the Lights: The Collapse of Journalism and What Can Be Done to Fix It* 299-306 (2011).
29. Beyond Presentism, 1 *J. of Law* 185 (2011)
30. It Can Happen Here. (Response to Review Symposium: Decline and Fall of the American Republic), *Balkinization* (October 21, 2010)
31. Limited War and the Constitution, (with Oona Hathaway), 109 *Michigan Law Review* 447 (2011).
32. The United States Should Adopt an "Emergency Constitution" to Preserve Civil Liberties in an Age of Terrorism, in Richard Ellis & Michael Nelson eds., *Debating Reform* (2010).
33. The Citizenship Agenda, in Jack Balkin & Reva Siegel eds., *The Constitution in 2020* pp. 109-18 (Oxford University Press: 2009).
34. My Debt to Mirjan Damaska, 118 *Yale L.J. Pocket Part* 171 (2009).
35. Canonizing the Civil Rights Revolution: The People and the Poll Tax with Jennifer Nou, 103 *Nw. U. L. Rev* 63 (2009).
36. Populismus heisst Angst vor dem Volk, in *Die Alte und die Neue Welt* (Scherer and Arnold eds., 2008).
37. Préparer la gestion de l'urgence : pour une «Emergency Constitution», *Archives de Philosophie du droit* (2007).

38. The Holmes Lectures: The Living Constitution, 120 *Harvard Law Review* 1727 (2007).
39. Meritocracy v. Democracy (on the reform of the House of Lords), 29 *London Review of Books* 9 (March 8, 2007).
40. The Secret Refund Booth (with Ian Ayres), 73 *U. Chicago Law Review* 1107 (2006).
41. Interpreting the Women's Movement, 94 *California Law Review* 1421 (2006).
42. Les pouvoirs d'exception a l'age du terrorisme, *Esprit* 150-164 (August-September 2006)
43. Keynote Address: Terrorism and the Constitutional Order, 75 *Fordham L. Rev.* 475 (2006).
44. The Stealth Revolution Continued, *London Review of Books* p. 18 (February 9, 2006).
45. The Art of Stealth, *London Review of Books*, vol. 27, no. 4, pp. 3-9 (Feb 17, 2005), (translated as La Bataille pour la Cour Supreme, Le Debat No. 143 (January-February 2007).
46. Macro-freedom (with Anne Alstott) in Ackerman, Alstott & Van Parijs et. al *Rethinking Distribution* pp. 209-16 (2006).
47. Why Stakeholding? (with Anne Alstott) , in Ackerman, Alstott & Van Parijs et. al, *Rethinking Distribution* pp. 43-65 (2006); .preprinted in *Politics & Society* vol. 32, pp. 41-60 (2004).
48. Radical Liberalism, in Keith Dowding, Jurgen de Wispelaere & Stuart White eds., *The Ethics of Stakeholding* (London: Macmillan, 2005).
49. Em Defesa de uma Heranca Social de Cidadania, in Joao Cardoso Rosas ed., *Ideias e Politicas para o Nosso Tempo*, pp. 25-40 (2004).
50. This is Not a War, *Yale Law Journal*, vol. 113, pp. 1871-1909 (2004).

51. Thomas Jefferson Counts Himself Into the Presidency (with David Fontana), (with David Fontana), *University of Virginia Law Review*, vol. 90, pp. 551-643 (2004).
52. The Emergency Constitution, *Yale Law Journal* vol. 113, pp. 1029-1091 (2004).
53. The Case for Stakeholding, *Verso Nuove Forme di Welfare (Centro Nazionale di Prevenzione e Difesa Sociale*, 2003).
54. Hope and Fear in Constitutional Law, in Erik Oddvar Eriksen, John Erik Fossum and Agustín José Menéndez, *A Constitution for Europe*, (2004).(advocating stakeholding as an entitlement of European citizenship.)
55. And Now for the Bad News, in Janos Kornai & Susan Rose-Ackerman eds., *Building a Trustworthy State in Post-Socialist Transition*, pp. 21-22 (2004).
56. Why a New Paradigm?, *U. Richmond L. Rev.*, vol. 37, pp. 1147-1184 (2003) (with Ian Ayres).
57. The Case for Stakeholding, *Diacritica (Universidade do Minho, Portugal)*, vol. 17, pp. 217-228 (2003).
58. The New Paradigm Reconsidered, *Calif. L. Rev.* vol. 91, pp. 743-68 (2003) (with Ian Ayres).
59. Deliberation Day, *Journal of Political Philosophy* , vol. 10, pp. 129-52 (2002) (with James Fishkin); reprinted in James Fishkin and Peter Laslett, *Debating Deliberative Democracy* pp. 7-30 (2003)
60. Off-Balance, in Bruce Ackerman ed., *Bush v. Gore: The Question of Legitimacy* (Yale Univ. Press: 2002).
61. Revised Opinion for *Brown v. Board of Education*, in Jack Balkin ed., *What Brown v. Board of Education Should Have Said*, pp. 100-23 (NYU Press: 2001).
62. \$80,000 and a Dream: A Simple Plan for Generating Equal Opportunity, *The American Prospect* pp. 25-27 (July 17, 2000) (with Anne Alstott).

63. The New Separation of Powers, *Harvard Law Review* vol.113, pp.633-729 (2000). (Italian: *Carocci* (2003); Chinese: *Constitutionalism Review*, vol. 3, pp. 600-704 (2003); Spanish (2004), Chinese (2006)).
64. O Novo Constitucionalismo Mundial, in Margarida Maria Lacombe Camargo, 1988-1998, *Uma Decada de Constituicao* (1999).
65. Constitutional Economics / Constitutional Politics, 10 Constitutional Political Economy 415(1999).
66. Your Stake in America (with Anne Alstott), 41 *Arizona L. Rev.* 249 (1999).
67. Should Opera Be Subsidized? and Riposte: Lighten Up! *Dissent* 89 (Summer 1999).
68. Revolution on a Human Scale, *Yale Law Journal* vol.108, pp.2279-2349 (1999).
69. Taxation and the Constitution, *Columbia Law Review* vol. 99, pp. 1-67 (1999).
70. Testimony Before the U.S. House Judiciary Committee on the Impeachment of President Clinton, 32 *PS [Political Science and Politics]* pp. 24, 29-31 (March 1999)
71. The Broken Engine of Progressive Politics, *The American Prospect*, pp. 34-43 (May-June 1998)
72. Temporal Horizons of Justice, *Journal of Philosophy*, vol. 94, pp. 299-317 (1997).
73. The Rise of World Constitutionalism, *University of Virginia Law Review*, vol. 83, pp. 771-797 (1997) [reprinted as Dean's Occasional Paper, Yale Law School (October, 1997)]; Chinese: Nanjing Univ. Law Rev. 10-27 (2001).
74. A Generation of Betrayal? *Fordham Law Review*, vol. 45, pp. 1519-36 (1997).

75. An Open Letter to Congressman Gingrich, (endorsed by 16 other law professors), *Yale Law Journal*, vol. 104, pp. 1539-44 (1995).
76. The Next American Revolution in Austin Sarat ed. *Identities, Politics and Rights*, pp. 403-23\_(University of Michigan Press, 1995)
77. Our Unconventional Founding, (with Katyal) *University of Chicago L. Rev.* vol. 62, pp. 475 ff. (1995).
78. Is NAFTA Constitutional? (with Golove) *Harvard Law Review*, vol. 108, pp. 799-929 (1995).
79. La democratie dualiste, 1789 et *l'Invention de la Constitution* (eds. Michel Troper and Lucien Jaume) pp. 191-204 (LGDJ-Bruylant, 1994)
80. The Political Case for Constitutional Courts, in, *Liberalism Without Illusions* (ed. Bernard Yack) pp. 205-19\_(U. Chi. Press, 1995)
81. Political Liberalisms, *Journal of Philosophy*, vol. 91, pp. 364-86 (1994) ; reprinted in Shaun Young ed., *Political Liberalism: Variations on a Theme* (2004).
82. Higher Lawmaking, in Responding to Imperfection: *The Theory and Practice of Constitutional Amendment* (ed. Sanford Levinson), pp. 63-87 (Princeton University Press, 1995).
83. Rooted Cosmopolitanism, *Ethics*, vol. 104, pp. 516-35 (1994).
84. Crediting the Voters: A New Beginning for Campaign Finance, *American Prospect* pp. 71-80 (Spring, 1993). (Italian: *Politica del Diritto*, vol. 24, pp. 647-664 (1993)); reprinted in Burnham, *The American Prospect: Reader in American Politics*, pp. 218-31 (1994)
85. Von der Revolution zur Verfassung, Transit: *Europäische Revue*, vol. 4, pp. 46-61 (1992)
86. Liberating Abstraction, *U. of Chicago Law Review*, vol. 59, pp. 317-348 (1992); reprinted in Stone, Epstein, & Sunstein, *The Bill of Rights in the Modern State* pp. 317-348 (U. Chi. Press, 1992).

87. The Lost Opportunity, in *Tel Aviv University Studies in Law*, vol 10, pp. 53-68 (1991).
88. Die Zukunft der Liberalen Revolution, *Die Neue Gesellschaft/Frankfurter Hefte*, vol. 39, no. 3. pp.221-231 (1992).
89. The Common Law Constitution of John Marshall Harlan, *New York Law School Law Review*, vol 36, pp. 5-32 (1991).
90. Robert Bork's Grand Inquisition, *Yale Law Journal*, vol. 92 pp. 1419-39 (1990); The Grand Inquisitor, *The American Prospect*, vol. 1, no. 2, pp. 106-114 (1990).
91. Constitutional Politics/Constitutional Law, *Yale Law Journal*, vol. 89, pp. 453-546 (1989).
92. Neutralities, in *Liberalism and the Good* (ed. by Douglass, Mara, & Richardson) pp. 29-43 (1990).
93. Reforming Environmental Law : The Democratic Case for Market Incentives, *Columbia Journal of Environmental Law* (with Richard Stewart) vol. 13, pp. 171-199 (1988).
94. Why Dialogue?, *Journal of Philosophy*, vol. 86, pp. 5-22 (1989) (Italian: *Teoria Politica* (1989); German: *Akten Des 12, Internationalen Wittgenstein Symposiums* pp. 25-35 (1988)); Dutch: Von den Brink & Von Reijen, *Het Recht Van De Moraal* pp. 67-84 (1994); Spanish: *Metapolitica* vol. 2, no. 6, pp. 207-22 (1998)).
95. Transformative Appointments, *Harvard Law Review*, vol. 101, pp. 1164-1184 (1988)
96. Neo-Federalism? in Jon Elster (ed.), *Constitutionalism and Democracy* (Cambridge Univ. Press: 1988)
97. Law, Economics, and the Problem of Legal Culture, *Duke Law Journal*, vol. 6, pp 929-947 (1986) (Italian: *Rivista Critica di Diritto Privato*); (German: Schäfer and Wehrt eds., *Die Ökonomisierung der Sozialwissenschaften* [Campus: 1988]).

98. Deux Sortes de Recherches en Droit et Economie, in *Revue de la Recherche Juridique: Droit Prospectif* (Presses Universitaires d'Aix-Marseille: 1986)
99. Reforming Environmental Law (with Richard Stewart), *Stanford Law Review*, vol. 37, pp. 1333-1365 (1985)
100. Cost Benefit and the Constitution, in Roger Noll (ed.), *Regulatory Policy and the Social Sciences*, pp. 351-357 (1985)
101. Foreword: Talking and Trading, *Columbia Law Review*, vol. 85, pp. 899-903 (1985).
102. Toward a Theory of Statutory Evolution: The Federalization of Environmental Law (with Donald Elliott and John Millian), *Journal of Law, Economics, Organization*, Vol. 1, pp. 313-340 (1985).
103. Beyond Carolene Products, *Harvard Law Review*, vol. 98, pp. 713-46 (1985), (Chinese: Selected Essays on Constitutional Law from the Harvard Law Review: 2005)
104. Storrs Lectures: Discovering the Constitution, *Yale Law Journal*, vol. 93, pp. 1013-1072 (1984)
105. Canada at the Constitutional Crossroads (with Robert Charney), *University of Toronto Law Journal*, vol. 34, pp. 117-135 (1984)
106. Foreword: Law in an Activist State, *Yale Law Journal*, vol. 92, pp. 1-45 (1983) (Dutch: Het recht in een activistische staat, *Staatkundig jaarboek*, 1983-1984, pp. 313-328, Leiden, December 1983).
107. On Getting What We Don't Deserve, *Social Philosophy and Policy*, vol. 1, pp. 60-70 (1983).
108. What is Neutral about Neutrality?, *Ethics*, vol. 93, pp. 372-390 (1983)
109. Beyond the New Deal: Reply (with William T. Hassler), *Yale Law Journal*, vol. 90, pp. 1412-1434 (1981)
110. The Marketplace of Ideas, *Yale Law Journal*, vol. 90, pp. 1131-1148 (1981)

111. Beyond the New Deal: Coal and the Clean Air Act (with William Hassler), *Yale Law Journal*, vol. 89, pp. 1466-1571 (1980)
112. Four Questions for Legal Theory, *Nomos*, vol. 22, pp. 351-375 (1980)
113. The Structure of Subchapter C: An Anthropological Comment, *Yale Law Journal*, vol. 87, pp. 436-446 (1977)
114. The Jurisprudence of Just Compensation, *Environmental Law*, vol. 7, pp. 509-519 (1977)
115. Law and the Modern Mind, *Daedalus*, pp. 119-131 (1974)
116. The Uncertain Search for Environmental Policy: Part I with James Sawyer), *University of Pennsylvania Law Review*, vol. 120, pp. 419-503 (1972); Part II (with Rose-Ackerman and Henderson), *University of Pennsylvania Law Review*, vol. 121, pp. 1225-1308 (1973).
117. More on Slum Housing and Redistribution Policy, *Yale Law Journal*, vol. 82, pp. 1194-1207 (1973)
118. Regulating Slum Housing Markets on Behalf of the Poor, *Yale Law Journal*, vol. 80, pp. 1093-1197 (1971)

### **Essays Directed to the General Public:**

1. Trump Won, but Trumpism Did Not, *Project Syndicate*, November, 18, 2024
2. USA: Kamala Harris and Donald Trump Enter the Final Stretch of the Campaign, *Correio Braziliense*, August 24, 2024
3. Middle East Peace and the US Election, *Project Syndicate*, July 22, 2024
4. The Path Not Taken in Trump's Immunity Case, *Project Syndicate*, July 2, 2024
5. Iran's Election Could Bring Lasting Middle-East Peace, *Project Syndicate*, June 26, 2024

6. Bruce Ackerman, jurista de Yale: “La ansiedad por falta de sentido lleva a votar por el demagogo (by Paula Escobar-Chavarria), *La Tercera*, May 25, 2024 (English translation May 25, 2024).
7. Second Thoughts on La Tercera, *La Tercera*, May 25, 2024
8. The Postmodern Revolution – and Why it Provides the Key to Biden’s Reelection, *The Hill*, April 11, 2024
4. An Astonishing Blunder at Last Week’s Supreme Court Argument, *The Hill*, February 11, 2024. Spanish translation: Un asombroso error del abogado de Trump en el alegato de la semana pasada ante el Tribunal Supremo, *El Salto*, February 20, 2024
5. Trump’s Supreme Court Justices Must Kick Him Off the Ballot, *Politico*, January 25, 2024. Spanish translation: Los jueces del Tribunal Supremo nominados por Trump deben expulsarle de la carrera presidencial, *El Salto*, January 30, 2024
6. Will Trump’s Supreme Court Justices Stick to Their Word? (with Ro Khanna), *Politico*, December 5, 2023
7. The Supreme Court Needs to Decide These Trump Cases ASAP to Prevent a Jan. 6 Repeat, *Slate*, November 13, 2023
8. Criminal Prosecution is the Wrong Idea. Use the 14th Amendment on Trump (with Gerard Magliocca), *The Washington Post*, December 27, 2022
9. How to Reinvigorate Nato and Deter Putin’s Aggression, *Politico*, May 17, 2022
10. Biden vs. Trump: The Makings of a Shattering Constitutional Crisis, *Politico*, February 1, 2022
9. Constitutionalism, Leadership and Democracy, *UniTrento Magazine*, May 26, 2021
10. Mitch McConnell’s Moment of Truth—and Why Nancy Pelosi Should Take it Seriously, *Boston Globe*, February 18, 2021

11. John Roberts Shouldn't Preside Over Impeachment Trial. Nor Should Kamala Harris, *Boston Globe*, January 22, 2021
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13. With a Single Climate Initiative, Biden Could Generate \$4 Trillion for Green Investment, *Slate*, December 18, 2020
14. Claims of a Rigged Election?, *Los Angeles Times*, September 13, 2020
15. The 10 Scariest Election Scenarios, Ranked, *p*, August 14, 2020
16. A Hundred Days from Now, *Correio Braziliense*, July 27, 2020
17. Brazil's Constitutional Dilemma in Comparative Perspective: Do Chile & Spain Cast Light on the Bolsonaro Crisis, *The Blog of the International Journal of Constitutional Law*, July 17, 2020
18. Brazil Needs a New Constitution, *Correio Braziliense*, July 13, 2020 (Portuguese text)
19. Politico Nightly: Coronavirus Special Edition, *Politico*, July 8, 2020
20. Chile's Constituent Assembly, *La Tercera*, June 27, 2020
21. Coronavirus Crisis Dominates US Presidential Campaign, *Correio Braziliense*, May 26, 2020
22. The Coming Constitutional Crisis Over Iran, *American Prospect*, February 21, 2020
23. Verfassungsrechtler über Trump: "Amerika ist wie die Weimarer Republik", *Die Frankfurter Allgemeine Zeitung*, February 20, 2020
24. John Roberts' Moment of Truth, *Slate*, January 30, 2020
25. Trump's Lawyers Are Getting Andrew Johnson's Impeachment All Wrong, *Politico*, January 25, 2020

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### **Blog-posts, Broadcasts and Podcasts:**

1. Interview: Supreme Court Hears Case that Could Further Expand Trump's Unchecked Executive Power, Between the Lines, December 10, 2025
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4. Interview: Democracy in a Postmodern Era, Democracy Paradox, April 9, 2024.
5. Follow the French!: The Urgent Need to Rethink America's System of Political Primaries, Balkinization, January 18, 2023.
6. Video Interview on Television Show Government Matters, May 20, 2022.
7. "Why Chile's Constituent Assembly Should Take the Lead and Reject Presidentialism in Favor of a Parliamentary System of Government," Inaugural Lecture at the Opening Session of the Chilean Chapter of ICONN (June 25, 2021). (The lecture begins at minute 26 of the video).

5. The Legitimacy of European Constitutional Orders: Questioning the Revolutionary, Establishment and Elite Pathways, University of Trento, Italy, 24-28 May, 2021. Daily seminars available at: [First session: Keynote speech by Bruce Ackerman: The European Union's legitimation crisis – 24/05/2021](#); [Second session: Questioning the revolutionary pathway – 25/05/2021](#); [Third session: Questioning the establishment pathway 26/05/2021](#); [Fourth session: Questioning the elite pathway 27/05/2021](#); [Fifth session: including Concluding Speech by Bruce Ackerman: Diversity of legitimacy pathways and European integration – 28/05/2021](#)
9. Center for Public Affairs, Presidential, Semi-Presidential or Parliamentary?: Which Regime is Best for Chile?, March 11, 2021
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44. [President Obama’s Non-Constitutional NSA Initiative, January 27, 2014, Balkinization](#)
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47. [Paying for Ballots: Reviving the Poll-Tax Amendment \(with Jennifer Nou\), July 15, 2012, Balkinization](#)

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49. [On Presidential Assassination of American Citizens, October 9, 2011, Balkinization](#)
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51. [The Crisis of Presidential Legality: The Libyan War as a Test Case, June 4, 2011, Balkinization](#)
52. [A Statement on Private Manning's Detention, \(with Yochoai Benkler\) \(signed by more than 250 members of the academic community\), Balkinization](#)
53. [Egypt's Leaderless Revolution and Presidentialism: A Toxic Combination, March 2, 2011, Balkinization](#)
54. [The Good Filibuster? January 4, 2010, Balkinization](#)
55. [The New START Treaty and its Political Consequences, December 22, 2010, Balkinization](#)
56. [What Do the Lame-Duck Congress and the White House Counsel Have in Common?, November 12, 2010, Balkinization](#)
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### **Professional Activities:**

1. Amicus Brief in Charles G. Moore and Kathleen F. Moore v. United States of America in the United States Court of Appeals for the Ninth Circuit decision related to the ability of the federal government to tax unrealized gains as income. See [https://www.supremecourt.gov/opinions/23pdf/22-800\\_jg6o.pdf](https://www.supremecourt.gov/opinions/23pdf/22-800_jg6o.pdf)
2. Amicus Brief in Donald J. Trump v. Norma Anderson, et al. in the Colorado Supreme Court decision focusing on the relationship between the Disqualification Clause of the Fourteenth Amendment and the Free Speech Clause of the First Amendment. See

<https://acrobat.adobe.com/link/track?uri=urn%3Aaid%3Ascds%3AUS%3A01c7d456-8164-3f1c-b63c-0cf6a966624a&viewer%21megaVerb=group-discover>

3. Argued Smith v. Trump before the US Court of Appeals for the DC Circuit, challenging the legality of unilateral presidential warmaking against the Islamic State in Iraq and Syria, October 27, 2017
4. Constitutional Consultant, Smith v. Obama (challenging the legality of the war against the Islamic State), 2016 -17.. See <https://www.lawfareblog.com/captain-smiths-challenge-presidents-war-against-isis-next-step>; <https://www.lawfareblog.com/brief-captain-nathan-smiths-challenge-presidential-war-making>
5. Lead counsel, with Lloyd Cutler, in Skaggs v. Carle, a challenge by 28 Representatives to the constitutionality of new House rules requiring supermajorities for the enactment of tax increases. 110 F3d 831 (D.C. Cir. 1997).
6. Witness on Behalf of President Clinton, Impeachment Hearings before the House Judiciary Committee, December, 1998.
7. Drafting Committee, Amicus Brief of 100 Law Professors in U.S. v. Morrison, in support of the constitutionality of the Violence Against Women Act, November, 1999.
8. Witness on Behalf of Al Gore to the Special Joint Committee of the Florida Legislature on the Appointment of Electors, November 29, 2000.
9. Witness on Behalf of Al Gore to the Special Joint Committee of the Florida Legislature on the Appointment of Electors, December 11, 2000.