

## CURRICULUM VITAE

**Eric A. Posner**

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### Professional Experience

Kirkland & Ellis Professor of Law, University of Chicago (since 2003)  
Member, Committee on International Relations, University of Chicago (since 2003)  
Editor, *The Journal of Legal Studies* (since 1998)

Fall 2008 Visiting Professor of Law, NYU Law School  
1998-2003 Professor of Law, University of Chicago  
1998 Professor of Law, University of Pennsylvania  
Fall 1997 Visiting Assistant Professor of Law, University of Chicago  
1993-1998 Assistant Professor of Law, University of Pennsylvania  
1992-1993 Attorney Adviser, Office of Legal Counsel, U.S. Department of Justice  
1991-1992 Law Clerk, Judge Stephen F. Williams, U.S. Court of Appeals, D.C. Circuit

### Books

Law and Social Norms: Harvard University Press (2000)  
Japanese edition (Bokutakusha, 2002)  
Chinese edition (China University of Political Science and Law Publishing House, 2005)  
Taiwanese edition (Angle Publishing Company, 2006)  
South Asia edition (Universal Law Publishing Company, 2009)

Chicago Lectures in Law and Economics (editor): Foundation Press (2000)

Cost-Benefit Analysis: Legal, Philosophical, and Economic Perspectives (editor, with Matthew Adler): University of Chicago Press (2001)

The Limits of International Law (with Jack Goldsmith): Oxford University Press (2005)  
Chinese edition (Law Press of Beijing, forthcoming)

New Foundations of Cost-Benefit Analysis (with Matthew Adler): Harvard University Press (2006)  
Arabic edition (Institute of Public Administration, Saudi Arabia, forthcoming 2010)

Terror in the Balance: Security, Liberty and the Courts (with Adrian Vermeule): Oxford University Press (2007)

Social Norms, Nonlegal Sanctions, and the Law (editor): Edward Elgar (2007)

The Perils of Global Legalism: University of Chicago Press (2009)

Climate Change Justice (with David Weisbach): Princeton University Press (2010)

Law and Happiness (editor, with Cass R. Sunstein): University of Chicago Press (2010)

The Economics of Public International Law (editor): Edward Elgar (forthcoming)

The Executive Unbound: After the Madisonian Republic (with Adrian Vermeule): Oxford University Press (forthcoming 2011)

### Articles and Book Chapters

Contract Law in the Welfare State: A Defense of Usury Laws, the Unconscionability Doctrine, and Related Limitations on the Freedom to Contract, 24 J. Legal Stud. 283 (1995)

The Regulation of Groups: The Influence of Legal and Nonlegal Sanctions on Collective Action, 63 U. Chi. L. Rev. 133 (1996)

Law, Economics, and Inefficient Norms, 144 U. Pa. L. Rev. 1697 (1996)

The Legal Regulation of Religious Groups, 2 Legal Theory 33 (1996)

Altruism, Status, and Trust in the Law of Gifts and Gratuitous Promises, 1997 Wisc. L. Rev. 567 (1997)

The Political Economy of the Bankruptcy Reform Act of 1978, 96 Mich. L. Rev. 47 (1997) (reprinted in part in Bankruptcy Anthology (Charles J. Tabb ed. 2001)

The Parol Evidence Rule, the Plain Meaning Rule, and the Principles of Contractual Interpretation, 146 U. Pa. L. Rev. 533 (1998)

Symbols, Signals, and Social Norms in Politics and the Law, 27 J. Legal Stud. 765 (1998) (reprinted in Law and Economics (Nicholas Mercuro ed., Routledge Press, 2007); Foundations of Law and Economics (Robert Cooter & Francesco Parisi, eds., Edward Elgar, 2010))

The Strategic Basis of Principled Behavior: A Critique of the Incommensurability Thesis, 146 U. Pa. L. Rev. 1185 (1998)

The Demand for Human Cloning, in Clones and Clones: Facts and Fantasies About Human Cloning (Martha C. Nussbaum and Cass R. Sunstein, eds.): W.W. Norton (1998) (with Richard A. Posner) (Reprinted, with a postscript, in 27 Hofstra L. Rev. 579 (1999))

A Positive Theory of Chapter 11, 74 NYU Law Rev. 161 (1999) (with Kevin A. Kordana)

The Decline of Formality in Contract Law, in The Fall and Rise of Freedom of Contract (Frank Buckley, ed.): Duke University Press (1999)

Family Law and Social Norms, in The Fall and Rise of Freedom of Contract (Frank Buckley, ed.): Duke University Press (1999)

Shaming White Collar Criminals under the Federal Sentencing Guidelines, 42 J. Law & Econ. 365 (1999) (With Dan M. Kahan)

Arbitration and the Harmonization of International Commercial Law: A Defense of *Mitsubishi*, 39 Va. J. Intern'l Law 647 (1999)

Should Debtors Be Forced into Chapter 13?, 32 Loyola of Los Angeles L. Rev. 965 (1999)

A Theory of Customary International Law, 66 U. Chi. L. Rev. 1113 (1999) (with Jack L. Goldsmith)

Rethinking Cost-Benefit Analysis, 109 Yale L.J. 165 (1999) (with Matthew Adler) (Reprinted in part in *Jurisprudence: Contemporary Readings, Narratives, and Problems* (Robert Hayman et al., ed., 2d ed. 2002))

Contract Remedies: Foreseeability, Precaution, Causation, and Mitigation, in *The Encyclopedia of Law and Economics* (Boudewijn Bouckaert and Gerrit De Geest, eds.): Edward Elgar (2000)

A Theory of Contract Law Under Conditions of Radical Judicial Error, 94 Nw. U. L. Rev. 749 (2000)

Understanding the Resemblance Between Modern and Traditional Customary International Law, 40 Va. J. Int'l Law 639 (2000) (with Jack L. Goldsmith)

Implementing Cost-Benefit Analysis When Preferences Are Distorted, 29 J. Legal Stud. 1105 (2000) (with Matthew Adler)

Introduction to the Conference on Cost-Benefit Analysis, 29 J. Legal Stud. 837 (2000) (with Matthew Adler)

Agency Models in Law and Economics, in *Chicago Lectures in Law and Economic* (Eric A. Posner ed., 2000), reprinted in *Game Theory and the Law* (Eric B. Rasmusen ed., 2007)

The Design and Interpretation of Contracts: Why Complexity Matters, 95 Nw. U.L. Rev. 91 (2000) (with Karen Eggleston and Richard Zeckhauser)

Law and Social Norms: The Case of Tax Compliance, 86 Va. L. Rev. 1781 (2000), excerpt reprinted in *Tax Controversies: Practice and Procedure* (forthcoming)

Cost-Benefit Analysis as a Solution to a Principal-Agent Problem, 53 Admin. L. Rev. 289 (2001)

Law and the Emotions, 89 Georgetown L.J. 1977 (2001)

Controlling Agencies with Cost-Benefit Analysis: A Positive Political Theory Perspective, 68 U. Chi. L. Rev. 1137 (2001)

The Law and Economics of Consumer Finance, 4 Amer. Law & Econ. Rev. 162 (2002) (with Richard Hynes)

Legislative Entrenchment: A Reappraisal, 111 Yale L.J. 1665 (2002) (with Adrian Vermeule)

Fear and the Regulatory Model of Counterterrorism, 25 Harv. J.L. & Pub. Pol. 681 (2002)

Controlling Agencies with Net Benefit Accounts: A Thought Experiment, 150 U. Pa. L. Rev. 1473 (2002)

Moral and Legal Rhetoric in International Relations: A Rational Choice Perspective, 31 J. Legal Stud. S115 (2002) (with Jack Goldsmith)

Interring the Nondelegation Doctrine, 69 U. Chi. L. Rev. 1721 (2002) (with Adrian Vermeule)

Economic Analysis of Contract Law After Three Decades: Success or Failure?, 112 Yale L.J. 829 (2003), reprinted in *Economics of Contract Law* (Douglas Baird ed. 2007) and *Law in Society: Nature, Functions and Limits* (Robert Hillman ed., forthcoming)

Four Economic Perspectives on American Labor Law and the Problem of Social Conflict, 159 J. Inst'l & Theoretical Econ. 101 (2003)

The Jurisprudence of Greed, 151 U. Pa. L. Rev. 1097 (2003)

International Agreement: A Rational Choice Approach, 44 Va. J. Int'l L. 113 (2003) (with Jack Goldsmith)

Reparations for Slavery and Other Historical Injustices, 103 Colum. L. Rev. 689 (2003) (with Adrian Vermeule)

A Theory of the Laws of War, 70 U. Chi. L. Rev. 297 (2003)

Do States Have a Moral Obligation to Comply with International Law?, 55 Stan. L. Rev. 1901 (2003)

Accommodating Emergencies, 56 Stan. L. Rev. 605 (2003) (with Adrian Vermeule), reprinted in *The Constitution in Wartime* 55 (Mark Tushnet, editor, 2005)

Transfer Regulations and Cost-Effectiveness Analysis, 53 Duke L.J. 1067 (2003)

Probability Errors: Implications for Tort and Contract Law, 11 Sup. Ct. Econ. Rev. 125 (2004), reprinted in *The Law and Economics of Irrational Behavior* 456 (Francesco Parisi and Vernon Smith, editors, 2005)

Transitional Justice as Ordinary Justice, 117 Harv. L. Rev. 761 (2004) (with Adrian Vermeule)

The Political Economy of State Bankruptcy Exemptions, 47 J. Law & Econ. 19 (2004) (with Richard Hynes and Anup Malani)

Judicial Independence in International Tribunals, 93 Calif. L. Rev. 1 (2005) (with John Yoo)

Optimal War and *Jus ad Bellum*, 93 Georgetown L.J. 993 (2005) (with Alan Sykes)

International Law and the Disaggregated State, 32 Fla. St. U. L. Rev. 797 (2005)

Dollars and Death, 72 U. Chi. L. Rev. 537 (2005) (with Cass Sunstein)

Is the International Court of Justice Biased?, 34 J. Legal Stud. 599 (2005) (with Miguel de Figueiredo)

Political Trials in Domestic and International Law, 55 Duke L. J. 75 (2005)

Should Coercive Interrogation Be Legal?, 104 Mich. L. Rev. 671 (2006) (with Adrian Vermeule)

Holding Internet Service Providers Accountable, 14 Sup. Ct. Econ. Rev. 221 (2006) (with Douglas Lichtman), reprinted in *The Law and Economics of Cybersecurity* (Mark F. Grady and Francesco Parisi eds. 2006)

The Decline of the International Court of Justice, in *International Conflict Resolution* 111 (Stefan Voigt, Max Albert, and Dieter Schmidtchen eds. 2006).

International Law: A Welfarist Approach, 73 U. Chi. L. Rev. 487 (2006)

International Law and the Rise of China, 7 Chi. J. Int'l L. 1 (2006) (with John Yoo)

Emergencies and Democratic Failure, 92 Va. L. Rev. 1091 (2006) (with Adrian Vermeule)

There Are No Penalty Default Rules in Contract Law, 33 Fla. St. U. L. Rev. 563 (2006)

The Law of Other States, 59 Stan. L. Rev. 131 (2006) (with Cass Sunstein)

Chevronizing Foreign Relations, 116 Yale L.J. 1171 (2007) (with Cass Sunstein)

Signing Statements and Executive Power, 23 Constitutional Commentary 307 (2007) (with Curtis Bradley)

The Second-Order Structure of Immigration Law, 59 Stan. L. Rev. 809 (2007) (with Adam Cox)

Social Norms and Economic Analysis of the Law, in Economic Analysis of Law: A European Perspective (Aristides N. Hatzis ed., forthcoming 2007)

An Economic Analysis of State and Individual Responsibility Under International Law, 9 Amer. L. & Econ. Rev. 72 (2007) (with Alan Sykes)

The Credible Executive, 74 U. Chi. L. Rev. 865 (2007) (with Adrian Vermeule)

The Case for For-Profit Charities, 93 Va. L. Rev. 2017 (2007) (with Anup Malani)

Timing Rules and Legislative Action, 121 Harv. L. Rev. 543 (2007) (with Jacob Gersen)

Climate Change and International Human Rights Litigation: A Critical Appraisal, 155 U. Pa. L. Rev. 1925 (2007) , reprinted in Human Rights and the Environment (Svitlana Kravchenko, John E. Bonine, & Don Anton eds., forthcoming 2008); Environment and Health: Issues and Implications (L. Lakshmi ed., 2008)

A Critique of the Odious Debt Doctrine, 70 Law & Contemp. Probs. 33 (Summer 2007) (with Albert Choi)

The International Protection of Cultural Property: Some Skeptical Observations, 8 Chi. J. Int'l L. 213 (2007)

Constitutional Showdowns, 156 U. Pa. L. Rev. 991 (2008) (with Adrian Vermeule)

Climate Change Justice, 96 Georgetown L.J. 1565 (2008) (with Cass Sunstein), excerpted in Cases and Materials on Environmental Law (Daniel A. Farber, ed., forthcoming)

Does Political Bias in the Judiciary Matter?: Implications of Judicial Bias Studies for Legal Reform, 75 U. Chi. L. Rev. 853 (2008)

Happiness Research and Cost-Benefit Analysis, 37 J. Legal Stud. S253 (2008) (with Matthew Adler)

Human Welfare, Not Human Rights, 108 Colum. L. Rev. 1758 (2008)

Soft Law: Lessons from Congressional Practice, 61 Stanford L. Rev. 573 (2008) (with Jacob E. Gersen)

Should Greenhouse Gas Permits Be Allocated on a Per Capita Basis?, 97 Calif. L. Rev. 51 (2009) (with Cass R. Sunstein), republished with modifications in Post-Kyoto International Climate Policy 343 (Joseph E. Aldy and Robert N. Stavins, eds. 2010).

Are Judges Overpaid?, 1 J. Legal Analysis 47 (2009) (with Stephen J. Choi and G. Mitu Gulati)

Erga Omnes Norms, Institutionalization, and Constitutionalism in International Law, 165 J. Institutional & Theoretical Econ. 5 (2009)

Judicial Evaluations and Information Forcing: Ranking State High Courts and Their Judges, 58 Duke L.J. 1313 (2009) (with Stephen J. Choi and Mitu Gulati)

Fault in Contract Law, 107 Mich. L. Rev. 1431 (2009)

Crisis Governance in the Administrative State: 9/11 and the Financial Meltdown of 2008, 76 U. Chi. L. Rev. 1613 (2009) (with Adrian Vermeule)

A Loan Modification Approach to the Housing Crisis, 11 Amer. L. & Econ. Rev. 579 (2009), available at <http://aler.oxfordjournals.org/cgi/reprint/ahp019?ijkey=gvJKuuiQHk9SJaR&keytype=ref> (with Luigi Zingales)

The Rights of Migrants: An Optimal Contract Framework, 84 NYU L. Rev. 1403 (2009) (with Adam B. Cox), reprinted in *Immigration and Nationality Law Review* (forthcoming)

Professionals or Politicians?: The Uncertain Empirical Case for an Elected Judiciary, 26 J. Law, Econ., & Org. 290 (2010) (with Stephen Choi and Mitu Gulati)

Against Feasibility Analysis, 77 U. Chicago L. Rev. 657 (2010) (with Jonathan Masur)

Subconstitutionalism, 62 Stanford L. Rev. 1583 (2010) (with Tom Ginsburg)

Divide and Conquer, 2 J. Legal Analysis (forthcoming 2010) (with Kathryn Spier and Adrian Vermeule)

*ProCD v. Zeidenberg* and Cognitive Overload in Contractual Bargaining, U. Chicago L. Rev. (forthcoming 2010)

Universal Exceptionalism in International Law, Harv. J. Int'l L. (forthcoming) (with Anu Bradford)

#### **Book Reviews, Comments, Replies, and Other Short Pieces**

Norms, Formalities, and the Statute of Frauds: A Comment, 144 U. Pa. L. Rev. 1971 (1996)

Standards, Rules, and Social Norms, 21 Harv. J.L. & Pub. Policy 101 (1997)

Efficient Norms, in *The New Palgrave Dictionary of Economics and the Law* (Peter Newman, ed.): Macmillan (1998)

Notes Toward a Theory of Customary International Law, 92 ASIL Proceedings 53 (1998) (with Jack L. Goldsmith)

Law and Regret (Review of *Changing Your Mind* by E. Allan Farnsworth), 98 Mich. L. Rev. 1468 (2000)

Review of *The New Palgrave Dictionary of Economics and the Law*, edited by Peter Newman, 110 Econ J. 824 (2000)

Law and Economics for the Masses (Review of *Law's Order* by David Friedman), *Jurist* (2000)

Strategies of Constitutional Scholarship (Review of *The Strategic Constitution* by Robert D. Cooter), 26 Law & Social Inquiry 529 (2001)

Review of *The Jurisprudential Foundations of Corporate and Commercial Law*, edited by Jody S. Kraus and Steven D. Walt, 112 Ethics 626 (2002)

Review of *Law and Market Economy*, by Robin Paul Malloy, 18 Economics and Philosophy 183 (2002)

The Signaling Model of Social Norms: Further Thoughts, 36 U. Rich. L. Rev. 465 (2002)

Further Thoughts on Customary International Law, 23 Mich. J. Inter'l L. 191 (2002) (with Jack Goldsmith)

Introduction to a Conference on Rational Choice and International Law, 31 J. Legal Stud. S1 (2002).

Comment on Jean Braucher's Means Testing Consumer Bankruptcy, 7 Fordham J. Corp & Fin. L. 457 (2002)

When Reforming Accounting, Don't Forget Regulation. Policy Matters 02-35, AEI-Brookings Joint Center (August 2002)

Forward to the Japanese Edition of Law and Social Norms (Ota Shozo et al. trans. 2002)

Crimes and Punishment, Wall Street Journal, April 11, 2003, p. A10 (with Adrian Vermeule)

Tobacco Regulation or Litigation? (Review of *Smoke-Filled Rooms* by W. Kip Viscusi), 70 U. Chi. L. Rev. 1141 (2003)

The Nondelegation Doctrine: A Postmortem, 70 U. Chi. L. Rev. 1331 (2003) (with Adrian Vermeule)

The Patriot Act Under Fire, Wall Street Journal, December 9, 2003, p. A10 (with John Yoo)

Bankruptcy Act of 1978, in Major Acts of Congress (Brian K. Landsberg ed., 2003), vol. 1, p. 59

Reign of Terror, Chicago Tribune, January 18, 2004 (with John Yoo)

Evaluating Transfer Regulations, 26 Regulation 42 (2004)

International Court of Hubris, Wall Street Journal, April 7, 2004, p. A18 (with John Yoo)

Bring Back the Baathists, The New York Times, April 28, 2004, p. A23

Emergencies and Political Change: A Reply to Tushnet, 56 Stan. L. Rev. 1593 (2004) (with Adrian Vermeule)

A "Torture" Memo and Its Tortuous Critics, The Wall Street Journal, July 6, 2004, p. A22 (with Adrian Vermeule)

Remarks on the Alien Tort Claims Act and Transitional Justice, 98 Am. Soc'y Int'l L. Proc. 56 (2004)

Transnational Legal Process and the Supreme Court's 2003-2004 Term: Some Skeptical Observations, 12 Tulsa Journal of Comparative and International Law 23 (2004)

Terrorism and the Laws of War, 5 Chi. J. Int'l L. 423 (2005)

Contract Theory, in The Blackwell Guide to the Philosophy of Law and Legal Theory 138 (Martin P. Golding and William A. Edmundson eds. 2005)

Law, in The Encyclopedia of Social Measurement 463 (Kimberly Kempf-Leonard ed. 2005)

All Justice, Too, Is Local, The New York Times, December 30, 2004, p. A23

All Hail...King George?, Foreign Policy Online, <http://www.foreignpolicy.com/story/files/story2814.php> (March 2005)

The International Court of Justice: Voting and Usage Statistics, ASIL Papers and Proceedings 130 (2005).

Where's the Old Bolton When We Need Him?, Los Angeles Times, April 19, 2005, p. B13 (with John Yoo)

Judicial Clichés On Terrorism, *The Washington Post*, August 8, 2005, p. A15 (with Adrian Vermeule)

Justice Within Limits, *The New York Times*, September 26, 2005, p. A20

The Politics of Saddam's Trial, *openDemocracy.net*, October 31, 2005, republished in German translation as *Recht in Verlegenheit*, *Süddeutsche Zeitung*, Nov. 28, 2005, p. 15

Reply to Helfer and Slaughter, 93 *Cal. L. Rev.* 957 (2005) (with John Yoo)

Sins of the Fatherland, *The Boston Globe*, March 5, 2006, E4

The New International Law Scholarship, 34 *Ga. J. Inter'l & Comp. L.* 463 (2006)

A Threat That Belongs Behind Bars, *The New York Times*, June 25, 2006, s. 4, p. 12

Apply the Golden Rule to al Qaeda?, *The Wall Street Journal*, July 15, 2006, p. A9

Signing Statements: It's a President's Right, *The Boston Globe*, August 3, 2006 (with Curtis Bradley)

A Better Way on Detainees, *The Washington Post*, August 4, 2006, p. A17 (with Jack Goldsmith)

Review of *Terrorism and the State: Rethinking the Rules of State Responsibility*, by Tal Becker, 121 *Pol. Sci. Q.* 505 (2006)

The Humanitarian War Myth, *The Washington Post*, October 1, 2006, p. B7

On Learning from Others, 59 *Stan. L. Rev.* 1309 (2007) (with Cass Sunstein)

What the Cold War Taught Us, *The Wall Street Journal*, April 21, 2007, p. A9

Agencies Should Ignore Distant-Future Generations, 74 *U. Chi. L. Rev.* 139 (2007)

Review of Robert E. Scott and Paul B. Stephan, *The Limits of Leviathan: Contract Theory and the Enforcement of International Law*, 101 *Amer. J. Int'l L.* 509 (2007)

The New Race for the Arctic, *The Wall Street Journal*, August 3, 2007, p. A8

Pay China to Cut Emissions, *The Financial Times*, August 5, 2007, p. 11 (with Cass Sunstein)

Originalism and Emergencies: A Reply to Lawson, 87 *B.U. L. Rev.* 313 (2007) (with Adrian Vermeule)

The Great Divide, *The New Republic.com*, December 20, 2007 <http://tnr.com/politics/story.html?id=86d685dd-948a-43db-b496-260027868950> (with Cass Sunstein)

Review of *Law without Nations?: Why Constitutional Government Requires Sovereign States*, by Jeremy A. Rabkin, 4 *Perspectives on Politics* 432 (2007)

Out of Commission, *Slate*, February 13, 2008, <http://www.slate.com/id/2184379/> (with Jack Goldsmith)

The Ethics of Climate Change, 31 *Regulation* 14 (2008) (with Cass Sunstein)

Policy by Reflex, Review of Stephen Holmes, *The Matador's Cape: America's Reckless Response to Terrorism*, 70 *Review of Politics* 513 (2008)



Diplomacy, Arbitration, and International Courts, in *The Role of International Courts* (Carl Baudenbacher & Erhard Busek eds., German Law Publishers, 2008)

Review of Benjamin Wittes, *Law and the Long War*, New York Post, July 27, 2008

Does Europe Believe in International Law?, Wall Street Journal, November 25, 2008 (with Jack Goldsmith)

Destructive Technologies Require Us to Reassess Civil Liberties, Boston Review, December 10, 2008, <http://bostonreview.net/BR34.1/posner.php>

Introduction to the Conference on Law and Happiness, 37 J. Legal Stud. S1 (2008) (with Cass Sunstein)

An Argument Against Legal Extremism, Review of Philip K. Howard, *Life Without Lawyers: Liberating Americans From Too Much Law*, The Daily Beast, February 17, 2009 (with Robert Silver), <http://www.thedailybeast.com/blogs-and-stories/2009-02-17/an-argument-against-legal-extremism>

The Better, Cheaper Mortgage Fix, Slate, March 2, 2009 (with Luigi Zingales), <http://www.slate.com/id/2212649/>

New Foundations of Cost-Benefit Analysis: A Reply to Professors Sinden, Kysar, and Driesen, 3 Regulation & Governance 72 (2009) (with Matthew Adler), <http://www3.interscience.wiley.com/cgi-bin/fulltext/122310186/PDFSTART>

Outcomes, Outcomes, Review of Jack M. Balkin & Reva B. Siegel, eds., *The Constitution in 2020*, The New Republic, August 12, 2009, p. 43 (with Adrian Vermeule)

Do Women Make Better Judges?, Slate, October 2, 2009, <http://www.slate.com/id/2231166/> (with Stephen Choi, Mitu Gulati, and Mirya Holman)

The Decider, Review of Frank J. Colluci, *Justice Kennedy's Jurisprudence: The Full and Necessary Meaning of Liberty*, The Book, January 11, 2010, <http://www.tnr.com/book/review/the-decider>

Executive Decision, Review of Benjamin Kleinerman, *The Discretionary President: The Promise and Peril of Executive Power*, The Book, March 30, 2010, <http://www.tnr.com/book/review/executive-decision>

Garzon and the Trouble With International Law, Wall Street Journal, April 14, 2010, <http://online.wsj.com/article/SB10001424052702303828304575179891513981922.html>

The Limits of Limits, Review of Kal Raustiala, *Does the Constitution Follow the Flag?: The Evolution of Territoriality in American Law*, The New Republic, May 5, 2010, p. 36, <http://www.tnr.com/article/books-and-arts/the-limits-limits-0>

The Case for Electing Judges in Missouri, Newsweek, May 17, 2010, <http://www.newsweek.com/id/237622?from=rss>

The Prudent and the Imprudent, Review of Gabriel Schoenfeld, *Necessary Secrets: National Security, the Media, and the Rule of Law*, The Book, May 17, 2010, <http://www.tnr.com/book/review/the-prudent-and-the-imprudent>

Europe's Missing Identity, Wall Street Journal, European Edition, June 4, 2010, [http://online.wsj.com/article/SB10001424052748704596504575272742111445082.html?mod=WSJ\\_latestheadlines](http://online.wsj.com/article/SB10001424052748704596504575272742111445082.html?mod=WSJ_latestheadlines)

The Gaza Blockade and International Law, Wall Street Journal, June 4, 2010, p. A19,  
[http://online.wsj.com/article/SB10001424052748704025304575284210429984110.html?mod=WSJ\\_Opinion\\_LEFT\\_TopOpinion](http://online.wsj.com/article/SB10001424052748704025304575284210429984110.html?mod=WSJ_Opinion_LEFT_TopOpinion)

Echoes of Subprime Ring Out Across Greek Debt Crisis, Financial Times, June 28 (with Mitu Gulati),  
<http://www.ft.com/cms/s/0/2eb55cd6-82b7-11df-85ba-00144feabdc0.html>

Transitional Prudence: A Comment on David Dyzenhaus, *Leviathan as a Theory of Transitional Justice*, NOMOS (forthcoming)

Reply to Danner, in Mark Danner, *Torture and the Forever War* (Tanner Lecture, forthcoming)

Evaluating the Effects of International Law: Next Steps (Global Policy, forthcoming)

Introduction, in *The Economics of Public International Law* (Eric A. Posner, ed.): Edward Elgar (forthcoming)

### **Work in Progress**

State Courts Project (with Stephen Choi and Mitu Gulati)

Treaties, State Size, and Development (with Tom Miles)

### **Testimony**

3/16/99: Subcommittee on Commercial and Administrative Law, Committee on the Judiciary, House of Representatives, U.S. Congress: H.R. 833, The Bankruptcy Reform Act of 1999

### **Education**

Harvard Law School. J.D., magna cum laude, 1991

Yale University. B.A., M.A. in philosophy, summa cum laude, 1988

### **Professional Organizations**

Maryland Bar Association (admitted 1991)

American Law and Economics Association

American Society for Political and Legal Philosophy

### **Grants, Fellowships, and Awards**

John M. Olin fellowship, University of Southern California (3/95)

University Research Foundation grant, University of Pennsylvania (6/96)

Olin Fellow, University of Virginia Law School (9/02)

Simon Visiting Scholar, Florida State University College of Law (3/18/04)

Fellow, American Academy of Arts and Sciences (elected 2010)

## **Teaching**

Contracts; Secured Transactions; Bankruptcy; Corporate Reorganization; Contract Theory; Game Theory and the Law; Employment and Labor Law; Public International Law; International Human Rights Law; Foreign Relations Law; International Law Workshop; European Union Law; Seminar on the Financial Crisis of 2008-2009

## **Other Professional Service**

Adviser, Restatement (Third) of Restitution, American Law Institute

Referee for Journal of Law and Economics, Journal of Economic Literature, Oxford University Press, Harvard University Press, Edward Elgar, Quarterly Journal of Economics, National Science Foundation, Law and Social Inquiry, American Economic Review, Journal of Law, Economics, & Organization, American Law and Economics Review, International Review of Law and Economics, American Journal of Political Science, Law and Society Review, Journal of Policy Analysis and Management, Journal of the European Economics Association, Health Affairs, University of Chicago Press, Canada Council for the Arts, World Politics, Supreme Court Economic Review, Law and Philosophy, Ethics and International Affairs, Institute of Medicine, Israel Science Foundation, Conflict Management and Peace Science, Smith Richardson Foundation, Yale University Press, Hart Publishing, Journal of Peace Research, British Journal of Political Science, National Academy of Sciences, Social Theory and Practice

Member, Editorial Board, Law & Social Inquiry (2000-2001)

Member, Board of Directors, American Law and Economics Association (2000-2003)

Member, Board of University Publications, University of Chicago (2001-2004)

Member, Editorial Board, Review of Law and Economics (2004-)

Member, Oxford University Press Legal Education Advisory Board (2006-)

Member, Editorial Board, Journal of Benefit-Cost Analysis (2009-)

Short-Term Consultant, World Bank (2007)

Participant in Simulated Canada-United States Negotiation Over the Northwest Passage, sponsored by ArcticNet (Ottawa, February 2008)

Member, Faculty Steering Committee, Milton Friedman Institute (2008-)

## **Presentations**

Available upon request