

# PIERRE SCHLAG

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## EMPLOYMENT

**Associate Dean for Research (since 2005)**  
**Byron R. White Professor of Law (since 1997)**  
**Nicholas Rosenbaum Professor of Law (1995-1997)**  
**Professor of Law (1989-1995)**

University of Colorado  
School of Law  
Campus Box 401  
Boulder, Colorado 80309

**Assistant and Associate Professor (1982-1989)**

University of Puget Sound  
School of Law  
950 Broadway Plaza  
Tacoma, Washington 98402

**Attorney (1979-1982)**

Covington & Burling  
1201 Pennsylvania Ave.  
Washington, DC 20044

**Research Fellow (grant from BAEF/Spaak Foundations, 1978-1979)**

Institut d'Études Européennes  
Université Libre de Bruxelles  
Brussels, Belgium

## EDUCATION

**J.D., June 1978**

Article Editor, UCLA Law Review,  
UCLA School of Law

**B.A., cum laude, Philosophy, June 1975,**

Yale University

# PIERRE SCHLAG

## PUBLICATIONS

### Forthcoming

*Slavery, Restatements of Law, and ACLU*, in Oxford Companion to Law (Peter Cane et al, eds.), London: Oxford University Press (forthcoming 2007).

*Critical Legal Studies*, in Oxford Encyclopedia of Legal History (Stanley Katz et al, eds.), New York: Oxford University Press, (forthcoming 2007).

*Interpretation—Legal, Essentialism, and Deconstruction*, in Encyclopedia of Law and Society (David S. Clark, ed.), Thousand Oaks: Sage Publications (forthcoming 2007).

*All that is Solid Melts Into Air* (forthcoming 2007).

*The Theory and Practice of Everyday Doctrine*, 30 N.Y.U. REV. OF LAW & SOC. CHANGE (forthcoming 2006).

### Books and Monographs

*The Enchantment of Reason*. Duke University Press, 1998.

*The Laying Down the Law – Mysticism, Fetishism and the American Legal Mind*. New York University Press, 1996.

*Against the Law*. Duke University Press, 1996 (co-authored with Paul Campos and Steven Smith).

*Tactics of Legal Reasoning*. Carolina Academic Press, 1986 (co-authored with David Skover).

### Articles, Essays, Review-Essays, and Other Publications

*A Brief Survey of Deconstruction*, 27 CARDOZO LAW REVIEW 741 (2005).

*My Dinner at Langdell's*, 52 BUFFALO LAW REVIEW 851 (2004).

*A Reply – The Missing Portion*, 57 UNIVERSITY OF MIAMI LAW REVIEW 1029 (2003) (Response to Symposium on “Beyond Right and Reason” Pierre Schlag, *The Critique of Normativity and The Enchantment of Reason*).

*Ten Thousand Cases—Maybe More: An Essay on Centrism in Legal Education*, 2 STANFORD AGORA (an online journal): <http://agora.stanford.edu/agora/volume2/> (2003).

*The Aesthetics of American Law*, 115 HARVARD LAW REVIEW 1047 (2002).

*Jurisprudence Noire*, (Symposium essay on Lawrence Joseph's *Lawyerland*) 101 COLUMBIA LAW REVIEW 1733 (2001).

*Politics and Denial*, 22 CARDOZO LAW REVIEW 1135 (2001).

*U.S. C.L.S.*, 10 LAW & CRITIQUE 199 (1999).

*No Vehicles in the Park*, SEATTLE UNIVERSITY LAW REVIEW 381 (1999).

*Day, Berry & Howard Visiting Scholar Lecture -- Authorizing Interpretation*, 30 UNIVERSITY OF CONNECTICUT LAW REVIEW 1065 (1998).

*The Empty Circles of Liberal Justification*, 96 MICHIGAN LAW REVIEW 1 (1997).

## PIERRE SCHLAG

- Law as a Continuation of God by Other Means*, 85 CALIFORNIA LAW REVIEW 427 (1997).
- Law and Phrenology*, 110 HARVARD LAW REVIEW 877 (1997).
- Hiding the Ball*, 71 NEW YORK UNIVERSITY LAW REVIEW 1681 (1996).
- This Could Be Your Culture -- Junk Speech in the Age of Decadence* (book review of *Death of Discourse* by Ron Collins & David Skover), 109 HARVARD LAW REVIEW 1801 (1996).
- Rights in the Postmodern Condition*, chapter in Sarat & Kearns, *Legal Rights: Historical and Philosophical Perspectives*, University of Michigan Press (1996).
- Anti-Intellectualism*, 16 CARDOZO REVIEW 1111 (1995).
- Values*, 6 YALE JOURNAL OF LAW & HUMANITIES 195 (1994).
- Clerks in the Maze*, 91 MICHIGAN LAW REVIEW 2053 (1993).
- How to Do Things with the First Amendment*, 64 UNIVERSITY OF COLORADO LAW REVIEW 1095 (1993).
- Pre-figuration and Evaluation*, 80 CALIFORNIA LAW REVIEW 965 (1992).
- Writing for Judges*, 63 UNIVERSITY OF COLORADO LAW REVIEW 419 (1992).
- The Problem of the Subject*, 69 TEXAS LAW REVIEW 1627 (1991).
- Normativity and the Politics of Form*, 139 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 801 (1991).
- Stances*, 139 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1059 (1991).
- The First Amendment*, in Levy & Karst supplement to *Encyclopedia of the American Constitution* (1991).
- Foreword: Postmodernism and Law*, 62 UNIVERSITY OF COLORADO LAW REVIEW 439 (1991).
- Normative and Nowhere to Go*, 43 STANFORD LAW REVIEW 167 (1990).
- “*Le Hors de Texte, C’est Moi*” — *The Politics of Form and the Domestication of Deconstruction*, 11 CARDOZO LAW REVIEW 1631 (1990).
- Missing Pieces: A Cognitive Approach to Law*, 67 TEXAS LAW REVIEW 1195 (1989).
- The Problem of Transaction Costs*, 62 SOUTHERN CALIFORNIA LAW REVIEW 1661 (1989).
- Contradiction and Denial*, a review essay of Mark Kelman’s *A Guide to Critical Legal Studies*, 87 Michigan Law Review 1216 (1989).
- Cannibal Moves: The Metamorphoses of the Legal Distinction*, 40 STANFORD LAW REVIEW 929 (1988).
- Fish v. Zapp: The Case of the Relatively Autonomous Self*, 76 GEORGETOWN LAW JOURNAL 37 (1988).
- The Brilliant, the Curious and the Wrong*, 39 STANFORD LAW REVIEW 917 (1987).
- An Appreciative Comment on Coase’s The Problem of Social Cost: A View from the Left*, [1986] WISCONSIN LAW REVIEW 919.

## PIERRE SCHLAG

*Freedom of Speech as Therapy*, a review essay of Lee Bollinger's, *The Tolerant Society*, 34 UCLA LAW REVIEW 265 (1986).

*Rules and Standards*, 33 UCLA LAW REVIEW 379 (1985).

Review essay of *Interpretations of the first Amendment*, by W. Van Alstyne, 2 Constitutional Communications 519 (1985).

*Framers' Intent: The Illegitimate Uses of History*, 8 UNIVERSITY OF PUGET SOUND LAW REVIEW 283 (1985).

*An Attack on Categorical Approaches to Freedom of Speech*, 30 UCLA LAW REVIEW 671 (1983).

*Assaults on the Exclusionary Rule: Good Faith Limitations and Damage Remedies*, 73 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 875 (1982).

*A Theoretical Analysis of Knowhow Licensing Under EEC Competition Law: Territorial Restrictions*, 26 ANTITRUST BULLETIN 347 (1981).

### **Reprintings and Excerpts of Publications**

*Normativity and the Politics of Form*, excerpted in Lloyd's *Introduction to Jurisprudence* (1995) (U.K.).

*Normativity and the Politics of Form*, excerpted in Robert L. Hayman, Jr. and Nancy Levit, eds., *Jurisprudence: Contemporary Readings, Problems and Narratives* 554-61 (1994).

*An Attack on Categorical Approaches to Freedom of Speech*, excerpted in Donald E. Lively, Dorothy E. Roberts, and Russell L. Weaver, eds., *First Amendment Anthology* (1994).

*The Problem of the Subject*, excerpted in Robert L. Hayman, Jr. & Nancy Levit, eds., *Jurisprudence: Contemporary Readings, Problems and Narratives* 534-39 (1994).

*The Problem of the Subject*, reprinted in Dennis Patterson, ed., *Postmodernism* (1994).

### **LEGAL THEORY AND FACULTY WORKSHOPS**

Iowa (2006); Cardozo (2003); University of Arizona (2002); Colorado (1997); Berkeley (California Law Review 1996); Hastings (1996); Brooklyn (1996); Yale (1993); Columbia (1992); Miami (1992); Michigan (1992); Vanderbilt (1992); Toronto (1991); Harvard (cls) (1989); Indiana-Bloomington (1988).

### **PROFESSIONAL LECTURES AND CONFERENCE PRESENTATIONS**

Principal Speaker, *Harvard Teaching from the Left Conference*, March 10-11, 2006.

Speaker, *Derrida/America NYU/Cardozo Conference*, February 20-21, 2005.

Respondent, University of Miami School of Law Conference on Pierre Schlag's *The Enchantment of Reason*, Miami, Florida, February 2002.

Participant & Organizer, Columbia Law School Panel on Lawrence Joseph's *Lawyerland*, March 2002.

## PIERRE SCHLAG

- Participant, University of Miami School of Law Conference on Duncan Kennedy's *A Critique of Adjudication, Fin de Siècle*, Miami, Florida, March 2000.
- Moderator and Organizer, *Lawyerland*, Law and Interpretation Section of the AALS Conference, Washington D.C., January 10, 2000.
- Keynote Speaker, *Critical Legal Studies 2000 – Retro and Prospect*, Birbeck College, University of London, September 1999.
- Lecture, *No Vehicles in the Park*, Seattle University School of Law, Tacoma, Washington, April 17, 1999.
- Author Meets Critic on Pierre Schlag's *The Enchantment of Reason*, Law and Interpretation Section of AALS Conference, New Orleans, January 9, 1999.
- Participant, Harvard Conference on *Private Law Theory*, sponsored by the Graduate Studies Program and the European Law Research Center, Cambridge, Massachusetts, March 9 - 10, 1997.
- Lecture at University of California (Berkeley) sponsored by the California Law Review, November 13, 1996.
- Presentation, *The Indeterminacy of Social Integration: Postmodernist Approaches to Law and Society*, at the Institut für Rechtsphilosophie und Rechtstheorie, Vienna, Austria, Fall 1995.
- Panelist, AALS Jurisprudence Section Workshop on Law and Rationality, Los Angeles, California, Fall 1995.
- Panelist, *Critique of Legal Normativity*, Law and Society Conference, Toronto, Canada, Spring 1995
- Presentation, *Subject Formations*, Law and the Post-Modern Mind Conference, sponsored by Cardozo Law School and the Jacob Burns Institute, New York, Fall 1993
- Presentation, *How to Do Things with the First Amendment*, Ira C. Rothgerber Conference on The First Amendment and Private Power, University of Colorado, Boulder, Colorado, Spring 1993
- Speaker, Values, Law and Humanities Section of AALS Conference, San Francisco, California, Winter 1993.
- Speaker, *Rights in the Postmodern Condition*, The Paradoxes of Rights Conference, sponsored by the Amherst College Program in Law, Jurisprudence & Social Thought, Participant and Organizer of Panel on *The Subject*, Critical Networks Conference, Cambridge, Massachusetts, Spring 1992.
- Speaker, *Writing for Judges*, Ira C. Rothgerber Conference on Constitutional Theory and the Practice of Judging, University of Colorado, Boulder, Colorado, Fall 1991.

# PIERRE SCHLAG

Moderator and Organizer, Postmodernism and Law Conference, University of Colorado, Boulder, Colorado, Spring 1991.

Panelist, International Association for Philosophy and Literature, Atlanta, Georgia, Spring 1991.

Participant, Systems Theory and the Law Conference, Annapolis, Maryland, Spring 1991.

Participant, Georgetown Constitutional Law Scholars Conference, Washington, D.C., Fall 1991.

Presentation, *Le Hors de Texte, C'est Moi' — The Politics of Form and the Domestication of Deconstruction*, Law and Society Conference, San Francisco, California, Spring 1990.

Participant, Systems Theory and the Law Conference, San Diego, California, Summer 1990.

Participant, Georgetown Constitutional Law Scholars Conference, Washington, D.C., Fall 1989.

Presentation, *Missing Pieces: A Cognitive Approach to Law*, Critical Legal Studies Conference, Washington, D.C., Fall 1988.

## **PUBLIC LECTURES & AWARDS**

Day, Berry & Howard Visiting Scholar, University of Connecticut School of Law, Fall 1997.

Austin Scott Lecture, University of Colorado School of Law, Boulder, Spring 1994.

## **COURSES**

Constitutional Law

Jurisprudence

Torts

Modern Legal Theory

Law and Economics

## **SEMINARS**

Power, Ethics, and Professionalism

Law, Power, and Politics

First Amendment Theory

Law and Violence

## **UNIVERSITY AND LAW SCHOOL COMMITTEES**

Member, Strategic Planning Committee

Member, Vice Chancellor's Advisory Committee (University Tenure and Promotion)

Chair & Member, Appointments Committees

Chair & Member, Evaluation Committees

Member, Curriculum Committees

Member, Dean Search Committee

Member, Byron White Search Committee

Member, Library Committee

Member, Academic Affairs Committee