

PIERRE SCHLAG

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Boulder, Colorado 80309
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PROFESSIONAL EXPERIENCE

University Distinguished Professor (since 2012)
Byron R. White Professor of Law (since 1997)
Nicholas Rosenbaum Professor of Law (1995-1997)
Professor of Law (since 1989)
University of Colorado Law School

Assistant and Associate Professor (1982-1989)
University of Puget Sound School of Law

Visiting Professor
UC Hastings College of Law (Fall 2013)
Cardozo School of Law (Spring 2008)
UC Hastings College of Law (Fall 1996)

Attorney (1979-1982)
Covington & Burling

Research Fellow (grant from BAEF/Spaak Foundations, 1978-1979)
Institut d'Études Européennes, Université Libre de Bruxelles, 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

*Theory and Scholasticism*__ JURISPRUDENCE__ (2023)

The Unruly Thread (2023)

Books and Monographs

TWILIGHT OF THE AMERICAN STATE (Michigan University Press 2023)

HOW TO DO THINGS WITH LEGAL DOCTRINE (Co-authored with Amy Griffin—University of Chicago Press 2020)

THE ENCHANTMENT OF REASON (Duke University Press, 1998)

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

Hohfeldian Analysis, Liberalism and Adjudication in THE LEGACY OF WESLEY HOHFELD: EDITOR MAJOR WORKS, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES (Shyam Balganes, Ted Sichelman & Henry Smith, eds., Cambridge University Press 2022)

Critical Legal Agency in DE LEGE 2020: VOICES ON LAW AND ACTIVISM (Maria Grahn-Farley, ed. Iustus Forlag 2021)

Reason in FUNDAMENTAL CONCEPTS IN INTERNATIONAL LAW, (Jean D'Aspremont and Sahib Singh, eds., Edward Elgar 2019)

Textualist and Purposive Interpretation in TRANSFORMATION OR RECONSTITUTION OF EUROPE (Tamara Persin & Sinisa Rodin, eds. Hart Publishing 2018)

The Knowledge Bubble—Something Amiss in Expertopia in IN SEARCH OF CONTEMPORARY LEGAL THOUGHT (Justin Desautels-Stein and Christopher Tomlins eds., Cambridge University Press 2017)

How to Do Things with Hohfeld, 78 LAW & CONTEMP. PROBS. 185 (2015)

L'Autonomie des Avocats (Une Conception Problématique Parmi Des Développements Démoralisants) (Jean Louis Assier, Ed. L'AUTONOMIE DES AVOCATS 2015)

On Creativity in Constitutional Interpretation, журнал высшей школы экономики
Издательство: Национальный исследовательский университет Высшая школа
экономики (Москва) ISSN: 2072-8166. - 2014. - №2. - С. 142-148

PIERRE SCHLAG

- Coase Minus the Coast Theorem—Some Problems with Chicago Transaction Cost Analysis*, 99 IOWA LAW REV. 175 (2013)
- The Faculty Workshop*, 60 BUFFALO LAW REVIEW 807 (2012)
- Four Conceptualizations of the Relations of Law to Economics (Tribulations of a Positivist Social Science)* 33 CARDOZO LAW REVIEW 2357 (2012)
- Nudge, Choice Architecture and Libertarian Paternalism (Review-Essay of Sunstein & Thaler, “Nudge”)*, 108 MICHIGAN LAW REVIEW 913 (2010)
- Formalism and Realism in Ruins (Mapping the Logics of Collapse)*, 95 IOWA LAW REVIEW 195 (2010)
- Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art)*, 97 GEORGETOWN LAW JOURNAL 803 (2009)
- The Dedifferentiation Problem*, 42(1) CONTINENTAL PHILOSOPHY REVIEW 35 (Special Issue on Continental Philosophy of Law) (2009)
- Law and Philosophy in the Hyperreal*, in FRANCIS J. MOOTZ III, ON PHILOSOPHY IN AMERICAN LAW 257 (Cambridge University Press 2008)
- Kandinsky or Hart? THE CRIT: A CRITICAL LEGAL STUDIES JOURNAL*, <http://thecritui.com/wp-content/uploads/2011/02/pierre.pdf>
- The Anxiety of the Law Student at the Socratic Impasse—An Essay on Reductionism in Legal Education*, 31 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE 575 (2007)
- 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 (Response to Symposium, “Beyond Right and Reason—Pierre Schlag, The Critique of Normativity and The Enchantment of Reason”)*, 57 UNIVERSITY OF MIAMI LAW REVIEW 1029 (2003)
- Ten Thousand Cases—Maybe More: An Essay on Centrism in Legal Education*, 2 Stanford Agora (an online journal): [http://agora.stanford.edu/agora/volume 3/](http://agora.stanford.edu/agora/volume%203/) (2003)
- The Aesthetics of American Law*, 115 HARVARD LAW REVIEW 1047 (2002)
- Jurisprudence Noire (Review-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)
- 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 (Review of Death of Discourse by Ron Collins & David Skover)*, 109 HARVARD LAW REVIEW 1801 (1996)

PIERRE SCHLAG

- Rights in the Postmodern Condition*, in SARAT & KEARNS, *LEGAL RIGHTS: HISTORICAL AND PHILOSOPHICAL PERSPECTIVES* (University of Michigan Press, 1996)
- Anti-Intellectualism*, 16 *CARDOZO LAW 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)
- Prefiguration 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)
- 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* (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
- Freedom of Speech as Therapy* (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 COMMENTARY* 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 Know-how Licensing Under EEC Competition Law: Territorial Restrictions*, 26 *ANTITRUST BULLETIN* 347 (1981)

PIERRE SCHLAG

Encyclopedia Entries

Critical Legal Studies, in Oxford Encyclopedia of Legal History (Stanley Katz et al., eds.), New York: Oxford University Press (2008)

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

The First Amendment, in Levy & Karst supplement to Encyclopedia of the American Constitution (1991)

Reprintings, Excerpts and Translations

(French, Russian, Danish, Italian, Spanish, Ukrainian)

Il Diritto, un Intrigante Gioco di Prestigio? translation of "Hiding the Ball," in FIDUCIA E SICUREZZA. UN CONFRONTO PLURIDISCIPLINARE (ed. Lorenzo Scillitani 2012)

Загальнолюдські цінності у пост сучасному світі (К. Самохіна пер.) translation of "Values," 1 Філософія права і загальна теорія права. 137 (2012)

Mi Cena en lo de Langdell, translation of "My Dinner at Langdell's," forthcoming in 12 REVISTA JURÍDICA DE LA UNIVERSIDAD DE PALERMO 159 (2011)

Естетика американского права, translation of "The Aesthetics of American Law," 3 RUSSIAN JOURNAL OF LEGAL THEORY 112 (2011)

Pierre Schlag, *Normativitet og formens politik*, RETSFILOSOFI-CENTRALE TEKSTER OG LEMAER 553-170 (redigeret af Ole Hammerslev og Henrik Palmer Olsen 2011)

U.S. C.L.S. reprinted in CRITICAL LEGAL THEORY (Costas Douzinas & Colin Perrin eds. 2011)

Le Hors de Texte—C'est Moi: The Politics of Form and the Domestication of Deconstruction reprinted in DERRIDA AND LAW (Pierre Legrand, ed. 2009)

Normativity and the Politics of Form excerpted in Robert L. Hayman, Jr. & 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, 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)

SELECTED LEGAL THEORY AND FACULTY WORKSHOPS

Glasgow (2022); Uppsala (2019); McGill (2019); Uppsala (2017); Zagreb (2013); U. Washington (2012); St. Louis (2011); Tel Aviv (2010); Georgetown (2010); Nova (2010); Georgetown (2009); Tulsa (2009); Iowa (2006); Cardozo (2003); 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 (1989); Indiana-Bloomington (1988)

PIERRE SCHLAG

SELECTED PROFESSIONAL LECTURES AND CONFERENCE PRESENTATIONS

- Speaker & Organizer, Symposium on “Why the Decline of Law Matters” AALS San Francisco, January 2017
- Speaker, Hohfeld Conference, Yale Law School, New Haven, October 2016
- Keynote Speaker, “*The Aesthetics of American Law*” (Sciences Po, École de Droit, Paris, France, June 2016
- Keynote Speaker, “*Law and Boundaries Conference*” (Sciences Po, École de Droit, Paris, France, June 2015
- Speaker, “*La Forme et le Sens, Dire, Écrire, Interpréter le Droit,*” Paris I, Paris, France June 2015
- Speaker, *The Critical Legal Studies Perspective on the Role of Courts in the European Union* Zagreb, Croatia, June 2015
- Speaker, “*Nova Europa–Stare Vrijednosti?*” Jean Monnet Center, U. of Rijeka, Opatje, Croatia June 2013
- Speaker, “*Constitutional Interpretation*” National Research University Higher School of Economics, St. Petersburg, Russian Federation March 2012 Speaker, “*Fantasy and Markets Symposium*” Cardozo Law School, October 2011
- Speaker, “*L’Indépendance des Avocats*” Sciences Po, École de Droit, November 2011
- Speaker, “*Les Juristes Inquiets*” Harvard Law School June 2011
- Conference Rapporteur, *Centennial Conference on Levinas and Law*, Montreal, Canada, September 17–18, 2006
- Speaker, *Harvard Teaching from the Left Conference*, March 2006
- Speaker, *Derrida/America NYU/Cardozo Conference*, February 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 Conference on Lawrence Joseph’s *Lawyerland*, March 2002
- Participant and Organizer, University of Miami School of Law Conference on Duncan Kennedy’s *A Critique of Adjudication, Fin de Siècle*, Miami, Florida, March 2000
- Organizer and Moderator, *Lawyerland, Law and Interpretation Section of the AALS Conference*, Washington D. C., January 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 1999
- Author Meets Critic on Pierre Schlag’s *The Enchantment of Reason*, Law and Interpretation Section of AALS Conference, New Orleans, January 1999
- Participant, Harvard Conference on *Private Law Theory*, sponsored by the Graduate Studies Program and the European Law Research Center, Cambridge, Massachusetts, March 1997

PIERRE SCHLAG

Lecture at University of California (Berkeley), sponsored by the California Law Review,
November 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

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

HONORARY LECTURES AND AWARDS

Goldstein Award (Law School Scholarship Award) (2010)

Milstein Award (Law School Research Leave Award) (2010)

CRCW (University Research Leave Award) (2003)

PIERRE SCHLAG

Day, Berry & Howard Visiting Scholar, University of Connecticut School of Law (1997)
Austin Scott Lecture, University of Colorado School of Law, Boulder (1994)

COURSES

Jurisprudence
Constitutional Law
Torts
Modern Legal Theory
Law and Economics
Legal Reasoning

SEMINARS

Fascism and the Liberal State
Constitutional Theory
Critical Law and Economics
Power, Ethics, and Professionalism
Law, Power, and Politics
First Amendment Theory
Law and Violence
Media, Popular Culture, and Law

UNIVERSITY AND LAW SCHOOL SERVICE

Associate Dean for Research
Member, Law School 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 R. White Search Committee
Member, Silicon Flatirons Search Committee
Member, Library Committees
Member, Scholarship Committee
Member, Academic Affairs Committees
Chair and Member Grievance Committee