

# The Foundation for Law, Justice and Society

In association with the Jay Heritage Center, Rye

## *Populism and Constitutions*

Workshop

**Thursday 19 and Friday 20 September 2013**

**Jay Heritage Center, Rye, NY**

### **Participant Biographies**

**Akhil Reed Amar** is Sterling Professor of Law and Political Science at Yale University, where he teaches constitutional law at both Yale College and Yale Law School. He received his B.A, summa cum laude, in 1980 from Yale College, and his J.D. in 1984 from Yale Law School, where he served as an editor of *The Yale Law Journal*. After clerking for Judge Stephen Breyer, U.S. Court of Appeals, 1st Circuit, Professor Amar joined the Yale faculty in 1985.

Along with Dean Paul Brest and Professors Sanford Levinson, Jack Balkin, and Reva Siegel, Professor Amar is the co-editor of a leading constitutional law casebook, *Processes of Constitutional Decision making*. He is also the author of several books, including *The Constitution and Criminal Procedure: First Principles* (Yale University Press, 1997), *The Bill of Rights: Creation and Reconstruction* (Yale University Press, 1998), *America's Constitution: A Biography* (Random House, 2005), and most recently, *America's Unwritten Constitution: The Precedents and Principles We Live By* (Basic Books, 2012).

**John W. Adams** is the Chairman and founder of the Foundation for Law, Justice and Society, an independent institution affiliated with the Centre for Socio-Legal Studies and based at Wolfson College, Oxford, whose objective is to study the role of law in contemporary societies and to bring the fruits of academic research to a wider professional audience. He was a Captain in the Judge Advocate General Corps of the US Air Force and thereafter was in private law practice for 12 years.

From 1984 to 2004, John was President of Smith Management Company, a New York based investment firm with investments located throughout the world. He has a BA from Rutgers College, a JD from Seton Hall Law School, and an LLM from New York University. In 2001 John enjoyed a sabbatical at Oxford University where he was a visiting scholar at Wolfson College and a visiting fellow at the Centre for Socio-Legal Studies. He is an Adjunct Professor in the Political Science department of Rutgers University.

**Denis Galligan** is Professor of Socio-Legal Studies, Oxford. Professor Galligan is also Jean Monnet Professor of European Public Law at the Università degli Studi di Siena and is a Visiting Professor at the Woodrow Wilson School of Public and International Affairs at Princeton University.

Previous posts include a Tutorial Fellow at Jesus College Oxford and chairs at Southampton University and Sydney University. For several years he was a Visiting Professor at the Central European University in Budapest. Professor Galligan is a member of the Board of Directors of the Foundation for Law, Justice and Society.

**Cas Mudde** is an assistant professor in the Department of International Affairs of the University of Georgia (USA). He was born in the Netherlands, where he got his MA and PhD at Leiden University, before embarking on an academic career that has (so far) taken him to universities throughout Europe and the United States. He was the founding chair of the Department of Political Science at the University of Antwerp (Belgium) and the co-founder of the ECPR Standing Group on Extremism & Democracy and the *Routledge Studies in Extremism & Democracy*. His current research agenda aims to address the question: 'How can liberal democracies defend themselves against political challenges without undermining their core values?'

He has published widely on topics such as (un)civil society, democratization, Euroskepticism, extremism and democracy, political parties, and populism. His prime geographical regions of expertise are Europe, both East and West, and North America. His most recent book publications include the four-volume reader *Political Extremism* (SAGE, 2013) and the co-edited *Populism in Europe and the Americas: Threat or Corrective for Democracy* (Cambridge University Press, 2012). His book *Populist Radical Right Parties in Europe* (Cambridge University Press, 2007) won the Stein Rokkan Prize and was named an Outstanding Academic Title by *Choice*. He is currently working on various topics, including eco-terrorism, Islamophobia, the Israeli settler movement and populism.

**Amir Paz-Fuchs** is Lecturer in Employment Law at Sussex Law School and an Associate Research Fellow at the Centre for Socio-Legal Studies. His main areas of teaching and interest are law and social policy, labour law and industrial relations, and privatization. From 2006 to 2011 he headed the Social Contract Revisited programme run by the Foundation for Law Justice and Society.

He is currently project coordinator and Co-Academic Director (with Prof. Itzhak Galnoor) of the 'The Limits of Privatization' project, which is part of the Van Leer Institute's Hazan Center for Social Justice. He is the author of *Welfare to Work: Conditional Rights in Social Policy* (Oxford University Press, 2008), and he has published over 20 scholarly articles and book chapters, in Hebrew and in English. During the 2012-13 academic year he was a visiting scholar at Wolfson College.

**Bernadette Meyler**, Professor of Law and Deane F. Johnson Faculty Scholar, is a scholar of British and American constitutional law and of law and the humanities. She returned in 2013 to Stanford Law School, where she had previously served as Leah Kaplan Visiting Professor in Human Rights. Her research and teaching bring together the sometimes surprisingly divided fields of legal history and law and literature. They also examine the long history of constitutionalism, reaching back into the English common law ancestry of the US Constitution. Professor Meyler's two current book projects stem from these respective areas of her scholarship. *Theaters of Pardoning from Shakespeare to Kant* tracks changing conceptions of sovereignty within the plays and politics of seventeenth-century England. In doing so, the book considers how the shared audiences of dramatic and historical tragicomedy—whether Kings, students at the Inns of Court, or potential jurors—brought concepts from the literary into the legal arena and back again. *Common Law Originalism*

shifts to the American context, looking at the multiple eighteenth-century common law meanings—both colonial and English—of various constitutional terms and phrases. Based on this variety, as well as on the practices of common law interpretation with which members of the Founding generation were familiar, the book argues that we should, in large part, reject the pursuit of a singular and determinate original meaning; instead, it contends, we must embrace a more vigorous debate in the present over contested constitutional meanings.

After receiving her BA in Literature with a focus on Classics at Harvard University, Professor Meyler obtained her JD from Stanford Law School and completed a PhD in English at UC, Irvine as a Mellon Fellow in Humanistic Studies and a Chancellor's Fellow. Following law school, Professor Meyler clerked for the Hon. Robert A. Katzmann of the US Court of Appeals for the Second Circuit.

Professor Meyler previously taught at Cornell University, where she served, most recently, as Professor of Law and English and Faculty Director of Research at the Cornell Law School. She also visited Princeton University as the inaugural Mellon/LAPA Fellow in Law and the Humanities.

**Daniel Smilov** is a comparative constitutional lawyer and political scientist. He is Programme Director at the Centre for Liberal Strategies, Sofia, Recurrent Visiting Professor of Comparative Constitutional Law at the Central European University, Budapest, and Associate Professor of Political Theory at the Political Science Department, University of Sofia. He holds doctorates from the University of Oxford (DPhil, 2003) and the Central European University, Budapest (SJD, 1999, summa cum laude). Dr. Smilov is co-author (with Martin Tisne) of *From the Ground Up: Assessing the Record of Anticorruption Assistance in Southeast Europe*, (Central European University Press, 2004), co-editor (with Denis Galligan) of *Administrative Law in Central and Eastern Europe*, (Central European University Press, 1999), and co-editor (together with Jurij Toplak) of *Political Finance and Corruption in Eastern Europe*, (Ashgate, 2007).

**Cristóbal Rovira Kaltwasser** is a Marie Curie Research Fellow working at the Department of Politics of the University of Sussex. At the end of the year he is moving to Chile to take a position as an Assistant Professor at the School of Political Science of the Diego Portales University. His research is focused on the ambivalent relationship between populism and democracy, and he has published about this topic in *Democratization, Government & Opposition*, and *Political Studies*, amongst others. He is also the co-editor, with Cas Mudde, of *Populism in Europe and the Americas: Threat or Corrective for Democracy?* (Cambridge University Press, 2012), and together with Juan Pablo Luna he is completing an edited volume titled *The Right in Latin America: Strategies for Political Action* that will be published by the Johns Hopkins University Press in 2014. With Paul Taggart and Pierre Ostiguy, he is the coordinator of a research project financed by the British Academy, which has as its main output the publication of a Handbook of Populism.

**Paulina Ochoa Espejo** is Assistant Professor of Political Science at Yale University, and currently a Laurance S. Rockefeller Fellow at the University Center for Human Values, Princeton University. She works at the intersection of democratic theory and the history of political thought, especially on questions about democratic legitimacy, popular sovereignty and populism, immigration and the right to exclude, the territorial borders of the democratic state, and democracy in 19th C Latin America. She is the author of *The Time of Popular Sovereignty: Process and the Democratic State* (PSUP, 2011), her work has appeared in

American Journal of Political Science, Journal of Politics, European Political Science, Theory and Event, Philosophy and Social Criticism and Critical Review of International Social and Political Philosophy, among other places. She is currently completing a book manuscript, provisionally entitled *A Theory of Borders: People, Territory, and Legitimacy in the Democratic State*.

**Lawrence Rosenthal** is co-editor of *STEEP: The Precipitous Rise of the Tea Party*, published by UC Press in August 2012. He is Executive Director of the Berkeley Center for Right-Wing Studies. Founded in 2009, the Center is a research unit dedicated to the study of right-wing movements in the 20<sup>th</sup> and 21<sup>st</sup> centuries. Dr. Rosenthal received his PhD in Sociology from UC Berkeley. He has taught at Berkeley in the Sociology and Italian Studies departments and was a Fulbright Professor at the University of Naples in Italy. His work has appeared in the Huffington Post, the Nation, the International Herald Tribune, the San Francisco Chronicle, the Sacramento Bee, Foreign Policy and other venues. He has lectured widely on the Tea Party, both in the USA and in Europe.

**Matthew Diller**, a prominent scholar of social welfare law and policy, was named dean of Cardozo School of Law in 2009. Prior to the appointment, he was the Cooper Family Professor of Law and co-director of the Louis Stein Center for Law and Ethics at Fordham Law School, where he had taught since 1993. He served also as associate dean for academic affairs at Fordham from 2003 to 2008.

Diller has lectured and written extensively on the legal dimensions of social welfare policy, including public assistance, Social Security, and disability programs and on disability law and policy, with articles in the Yale Law Journal, UCLA Law Review, Texas Law Review, and Michigan Law Review. He received an AB in 1981 and a JD in 1985, both magna cum laude, from Harvard University, where he was an editor of the Harvard Law Review. He then clerked for the late Honorable Walter R. Mansfield of the US Court of Appeals for the Second Circuit. He worked for the Legal Aid Society in New York, where he was a staff attorney in the civil appeals and law reform unit.

Diller is a member of the Chief Judge's Task Force to Expand Access to Civil Legal Services in New York and is chair of the Task Force's Committee on Law School Involvement. He is also a member of the Association of the Bar of the City of New York's Task Force on New Lawyers in a Changing Profession. He is a Fellow of the American Bar Foundation.

**Nadia Urbinati** is Kyriakos Tsakopoulos Professor of Political Theory at Columbia University, Department of Political Science. She is the author of books and articles, more recently *Representative Democracy: Principles and Genealogy*, 2006). She has some forthcoming books: *Democracy Disfigured: Opinion, Truth and The People* (Harvard University Press, 2014), *Free and Equals* (Yale University Press 2014) and *The Antiegalitarian Mutation* (Columbia University Press 2015).

**Pasquale Pasquino** is a Senior Research Fellow at the Centre de Théorie du Droit of the Centre National de la Recherche Scientifique (CNRS) in Paris and a Global Distinguished Professor of Politics at New York University.

He has published extensively on the European theory of state and constitution, notably on the English constitutional conflicts in the 17th century, on the French Revolution and on the

Weimar Republic. He works presently on the role and legitimacy of constitutional courts in democratic societies.

**Richard Parker** is Williams Professor of Law at Harvard University. He has taught Constitutional Law and Criminal Law there since 1974. Before that, he was a clerk on the United States Supreme Court and an attorney at the Children's Defense Fund. He is the author of a book entitled "*Here, The People Rule*": *A Constitutional Populist Manifesto* (Harvard University Press, 1994) and a series of essays, published before and afterwards, which elaborate on the themes of the book.