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Curriculum Vitae

May – July 2014	Visiting Research Professor in the Institute for Philosophy of the University of Vienna
December 2013	Visiting Professor in the Law Department of the London School of Economics and Political Science
September 2012 – June 2013	Law and Public Policy Fellow and Visiting Professor at Princeton University
October 2007 – July 2008	Fellow, <i>Wissenschaftskolleg zu Berlin</i> (Institute for Advanced Study, Berlin)
November 2006 - present	Charles E. Floete Chair in Law, University of Iowa
August 2004 – May 2006	Co-Director of the European Studies Program of the University of Iowa
Since April 2004	complementary appointment with the International Program of the University of Iowa
August 2003	Professor of Law, University of Iowa College of Law (tenured position)
January – June 2002	Robert O. Daniel Distinguished Visiting Professor of Law (University of Iowa College of Law)
December 2001 – Spring 2003	Chairman of the working group on ethics and moral philosophy in the Department of Philosophy (University of Vienna)

April 2001 – July 2003	Vice-Director of the interdisciplinary postgraduate program on European Studies, University of Vienna
April 2001	<i>Habilitation</i> for Constitutional Law in the Faculty of Law (University of Vienna)
November 2000	Parson's Visitor at the Law School of the University of Sydney (Australia)
June – July 1999	Visiting Professor at the University of Kansas School of Law
March 1998 – June 1998	Fulbright Fellowship: lectures and research in the United States (University of Pennsylvania, Washington University, University of Kansas)
March 1993	Associate Professor in the Faculty of Law, University of Vienna (tenured position)
February 1993 – June 1993	Visiting Professor at the University of Kansas School of Law
November 1992	<i>Habilitation</i> for Legal Philosophy and Legal Theory in the Faculty of Law (University of Vienna)
August 1988 – July 1989	Erwin Schrödinger Grant: Visiting Researcher at Harvard Law School
August 1985-1993	Assistant Professor of Law at the Institute for Legal Philosophy and Legal Theory (Faculty of Law, University of Vienna)
March 1984 – July 1985	Research Fellow at the Institute for Legal History (Faculty of Law, University of Vienna)
January 1984	Master of Law with Highest Honors and Doctor Iuris (University of Vienna)
May 1979	High School Diploma with Highest Honours

Publications

A. Monographs

The Cosmopolitan Constitution, Oxford: Oxford University Press, 2014

Engineering Equality: An Essay on European Antidiscrimination Law, Oxford: Oxford University Press, 2011

Individualism: An Essay on the Authority of the European Union, Oxford: Oxford University Press, 2008

Rechtliches Wissen, Frankfurt/Main: Suhrkamp, 2006 [[Legal Knowledge](#)]

Soziale Demokratie. Jean-Jacques Rousseau, Max Adler, Hans Kelsen und die Legitimität demokratischer Herrschaft, Vienna: Verlag Austria, 2001 [[Social Democracy: Max Adler, Hans Kelsen, and the Legitimacy of Democratic Government](#)]

Rationalität und Diskriminierung. Zur Bindung der Gesetzgebung an das Gleichheitsrecht, Vienna & New York,: Springer 2001 [[Rationality and Discrimination: A Theory of Equal Protection Review](#)]

Der Gegenstand der Rechtserkenntnis. Epitaph eines juristischen Problems, Baden – Baden: Nomos, 1996 [[The Referent of Legal Discourse. Epitaph of a legal Problem](#)]

Nachpositivistisches Rechtsdenken. Form und Gehalt des positiven Rechts (with Nikolaus Forgó), Vienna: WUV-Universitätsverlag, 1996 [[Post-Positivist Legal Thought: Form and Content of Positive Law](#)]

Rechtssystem und Republik. Über die politische Funktion des systematischen Rechtsdenkens, Vienna & New York, 1992 [[Legal System and Republicanism: On the Political Purpose of Systematic Legal Thought](#)]

B. (Co-)Editor

(co-editor) *Is there a European Common Good?*, Baden-Baden: Nomos, 2013

(co-editor) Gerhard Luf, *Freiheit als Rechtsprinzip. Rechtsphilosophische Aufsätze*, Vienna: Facultas Verlag, 2008 [[Freedom as a Principle of Law: Essays in Legal Philosophy](#)]

(co-editor) special issue of the *European Law Journal* (vol. 12/4, 2006) on “Governing Regulatory Interaction: The Normative Question”

special issue of *Transnational Law and Contemporary Problems* on “Antidiscrimination Law in the European Union” (2005)

(co-editor) *Demokratie und sozialer Rechtsstaat in Europa: Festschrift Theo Öhlinger*, Vienna: WUV-Universitätsverlag, 2004 [[Democracy and Social Rechtsstaat in Europe](#)]

C. Forthcoming Articles and Chapters in Books

“Authoritarian Liberalism”, forthcoming in *European Law Journal* 2014

“The Question of Self-Repair” (forthcoming in an anthology to be published by Hart Publishing)

„Unity and Community: A tale of two monsters and one unanswered question“, to appear in M. Maduro & M. Wind (eds.), *The Transformation of Europe* (twenty years later), (Cambridge: Cambridge University Press)

„The Preoccupation with Rights and the Embrace of Inclusion: A Critique“, to appear in: G. de Burca & D. Kochenov (eds.), *Europe’s Justice Deficit?* (Oxford: Hart Publishing, 2014)

„Legal Science as a Source of Law: A Late Reply by Georg Friedrich Puchta to Hermann Ulrich Kantorowicz“, to appear in: *German Law Journal*

“Antidiscrimination and Decommodification”, to appear in: D. Cinar (Hrsg.), *Diversity, Justice, and Democracy*, Aldershot

D. Articles and Chapters in Books

“The Darling Dogma of Bourgeois Europeanists”, in: *European Law Journal* 20 (2014) 688-712

“Beyond Kelsen and Hart”, in: J. d’Aspremont & J. Kammerhofer (eds.), *International Legal Positivism in a Post-Modern World* (Cambridge: Cambridge University Press, 2014) 151-182

“Europe: political, not cosmopolitan” in: *European Law Journal* 20 (2014), 142-163

“The Cosmopolitan Constitution”, in M. Maduro, K. Tuori & S. Sankari (eds.), *Transnational Law: Rethinking European Law and Legal Thinking* (Cambridge: Cambridge University Press, 2014) 97-121

„The Individualisation of Liberty: Europe’s Move from Emancipation to Empowerment“, in: *Transnational Legal Theory* 4 (2013) 258-282

„What is Political Union?“ in: *German Law Journal* 14 (2013) 561-580

“Europa: Política, Pero No Cosmopolita” in *El Cronista del Estado Social y Democrático* 33 (2013) 32-45

“Constitutionalization: Constitution-Making for Individualists”, in: S. Puntischer Riekman & D. Wydra (eds.), *Is there a European Common Good?*, Baden-Baden: Nomos, 2013, 95-119

“Gleichheit und politische Autonomie”, in: Falk Bornmüller, Thomas Hoffmann & Arnd Pollmann (eds.), *Menschenrechte und Demokratie: Festschrift Georg Lohmann*, Munich: Alber Verlag, 2013, 207-224 [Equality and Political Autonomy]

“Accidental Cosmopolitanism”, in: *Transnational Legal Theory* 3 (2012) 371–393

“Sozialpolitik in Europa: Von der Domestizierung zur Entwaffnung” in: J. Bast & R. Rödl (eds.), *Wohlfahrtstaatlichkeit und soziale Demokratie in der Europäischen Union* (Baden-Baden, Nomos, 2013 = *Europarecht Beiheft* 1 2013) 49-68 [Social Policy in Europe: From Domestication to Disarmament]

“The Constituent Power in National and Transnational Contexts”, in: *Transnational Legal Theory* 3 (2012), 31-60

“From Workers to Migrants: Exploring the Changing Social-Democratic Imagination”, in: *European Law Journal* 18 (2012), 711-726

“On Cosmopolitan Self-Determination”, in: *Global Constitutionalism* 1 (2012) 405-428

“Integration without Emancipation. Reflections on ‘Social Europe’” In: *Standing Tall: Hommages à Csaba Varga* (ed. B. Melkevik, Budapest: Pázmány Péter Catholic University Press, 2012) 419-436

“Epilogue: What is at Stake?” in: Edoardo Chiti, Agustín José Menéndez and Pedro Teixeira (eds.), *The European rescue of the European Union? The existential crisis of the European political project*, Oslo: Arena 2012, 505-511 (Spanish translation as “¿Qué está en juego en Europa?” in: *El Cronista del Estado Social y Democrático del Derecho* No. 29 May 2012, 72-75)

“Menschenrechte und Demokratie”, in G. Lohmann & A. Pollmann (eds.), *Handbuch Menschenrechte: Ein interdisziplinäres Handbuch*, Stuttgart: J.B. Metzler 2012, 363-369 [Human Rights and Democracy]

“Monism: A Tale of the Undead”, in: M. Avbelj & J. Komárek (eds.), *Constitutional Pluralism in the European Union and Beyond*, Oxford: Hart Publishing 2012, 343-379

“From the rule of law to the constitutionalist makeover: Changing European conceptions of public international law”, in: *Constellations* 18 (2011) 556-577

“Über kosmopolitische Selbstbestimmung”, in: *Der Staat* 50 (2011) 329-351 [On Cosmopolitan Self-Determination]

“The Spirit of Legal Positivism”, in: *German Law Journal* (2011) 729-756

“A Bureaucratic turn?” in: *European Journal of International Law* 22 (2011) 245-350

“Rechtsverhältnis und aufrechter Gang: Rechtsethik im zweiten Versuch”, to appear in: *Deutsche Zeitschrift für Philosophie* 59 (2011) 439-453 [Legal Relationship and upright gait]

“Dynamique juridique: une brève explication”, in: O. Jouanjan (ed.), *Hans Kelsen: Forme de droit et politique de l'autonomie*, Paris: PUF, 2010 71-98 [Legal dynamics: A brief exposition]

„Die Verfassung im Zeitalter ihrer transnationalen Reproduzierbarkeit“, in: C. Franzius (ed.), *Strukturfragen der europäischen Union*, Nomos: Baden-Baden, 2010, 135-149 [The constitution in an age of its transnational reproductability]

“The Emancipation of Legal Dissonance”, In H. Koch et al (ed.), *Europe: The New Legal Realism*, Kopenhagen: DJØF Publishing, 2011, 679-713

“The argument from transnational effects II: Establishing transnational democracy”, in: *European Law Journal* 16 (2010) 375-395

“The argument from transnational effects I: Representing outsiders through freedom of movement”, in: *European Law Journal* 16 (2010) 315-344

“Administration without Sovereignty” In M. Loughlin & P. Dobner (eds.), *The Twilight of Constitutional Law: Demise or Transformation?* Oxford: Oxford University Press, 2010, 267-278

„Rechtsdynamik für Eilige“, A. Brockmöller & E. Hilgendorf (Hrsg.), *Rechtsphilosophie im 20. Jahrhundert – 100 Jahre Archiv für Rechts- und Sozialphilosophie* (ARSP-Beiheft 16), Stuttgart: Steiner, 2009, 117-130 [Legal Dynamics for Beginners]

„The Concept of ‘Law’ in Global Administrative Law: A Reply to Benedict Kingsbury“, *European Journal of International Law* 20 (2009) 985-995

„Konstitution ohne Emanzipation“ in: A. Fischer-Lescano et al. (Hrsg.), *Europäische Gesellschaftsverfassung: Zur Konstitutionalisierung sozialer Demokratie in Europa* Baden-Baden: Nomos, 2009, 11-30 [Constitution without Emancipation]

“The Indelible Science of Law”, in: *International Journal of Constitutional Law* 7 (2009) 424-441

“Idealization, De-Politicization and Economic Due Process: System Transition in the European Union”, in: B. Iancu (ed.), *The Law/Politics Distinction in Contemporary Public Law Adjudication*, Utrecht: Eleven International Publishing, 2009, 137-167

“Adel, Aristokratie”, in: S. Gosepath, W. Hinsch & B. Rössler (eds.), *Handbuch der politischen Philosophie und Sozialphilosophie*, Berlin: de Gruyter 2008 [Aristocracy, Nobility], vol. 1, 9-11.

“Demokratie als Verwaltung. Wider die deliberativ halbierte Demokratie”, *Soziale Welt* (2008), 323-348 [Democracy as Administration: Against the ‚deliberative‘ truncation of democracy]

„Das europäische Sozialmodell: Diskriminierungsschutz und Wettbewerb“, *Juridikum* 3/2008, 118-125 [The European Social Modell: Protection from Discrimination and Competition]

„Legalität heute: Variationen über ein Thema von Max Weber“, in: *Der Staat* 47 (2008), 428-465 [Legality Today: Variations on a Thema by Max Weber]

“The Owl of Minerva: Constitutional Discourse Before Its Conclusion”, in: *Modern Law Review* 71 (2008), 473-489

“Und was fehlt eigentlich? Eine Anmerkung zu Europas politischem Erfahrungsraum“, in: Ch. Joerges et al (eds.), „Schmerzliche Erfahrungen der Vergangenheit“ und der Prozess der Konstitutionalisierung Europas: Rechts-, Geschichts- und Politikwissenschaftliche Beiträge, Wiesbaden 2008, 144-149 [And What is Really Missing? A Note on Europe’s Political Horizon]

„Österreich: Wissenschaft vom Verfassungsrecht“, in: A. v. Bogdandy et al. (Hrsg.), *Ius Publicum Europaeum*, Heidelberg: C.F. Müller, 2007, 637-661 [Austria – Constitutional Scholarship]

“Solidarity decomposed: Being and Time in European Citizenship”, in: *European Law Review* 32 (2007), 787-818

„Solidarität im Ausgedinge. Sein und Zeit im Unionsbürgerrecht“, in: A. Wagner . V. Wedl (eds.), *Bilanz und Perspektiven zum europäischen Recht: Eine Nachdenkschrift anlässlich 50 Jahre Römische Verträge*, (Vienna: ÖGB-Verlag 2007), 67-83 [Solidarity in Demise. Being and Time in European Citizenship]

“Kelsen lives”, in: *European Journal of International Law* 18 (2007), 409-451

“Stateless Law. Kelsen’s Conception and its Limits”, in: *Oxford Journal of Legal Studies* 26 (2006), 753-774

“Weak Social Policy”, in: E. Eriksen & C. Joerges & F. Rödl (Hrsg.), *Law and Democracy in the Post-national Union*, Oslo: Arena, 2006, 317-331

“Introduction: Governing Regulatory Interaction: the Normative Question” (with Viktor Mayer-Schönberger), in: *European Law Journal* 12 (2006), 431-439

“Inexplicable law. Legality’s adventure in Europe, in: *Journal of Transnational Law and Contemporary Problems* 15 (2006), 627-653

“Equality as Reasonableness. Constitutional Normativity in Demise”, in: A. Sajó (Hrsg.), *The Dark Side of Fundamental Rights*, (Utrecht: eleven international publishing, 2006), 191-215

„Nachpositivistisches Rechtsdenken“ (with Nikolaus Forgó) in: S. Buckel – R. Christensen – A. Fischer-Lescano (eds.), *Neue Theorien des Rechts*, (Stuttgart: Lucius & Lucius, 2006, 263-290 [Post-Positivist legal thought]

„Ermächtigung und Verpflichtung. Ein Versuch über Normativität bei Hans Kelsen“, in: S. L. Paulson - M. Stolleis (ed.), *Hans Kelsen. Staatsrechtslehrer und Rechtstheoretiker des 20. Jahrhunderts*, (Tübingen: Mohr, 2005), 58-79 [Empowerment and Obligation: An Essay on Normativity in Kelsen’s Legal Theory]

Catholic Concordance. Exploring the Context of European Anti-discrimination Law and Policy, in: *Journal of Transnational Law and Contemporary Problems* 14 (2005), 959-1006

“Introduction to the Symposium Antidiscrimination Law in the European Union”, in: *Journal of Transnational Law and Contemporary Problems* 14 (2005), 879-896

„Die Macht der juristischen Expertise. Rechtliches Wissen als Steuerungsmedium“, in: K. Lerch (ed.), *Sprache und Recht*, Bd. 3, Berlin: de Gruyter, 2005, 399-438 [The Power of Legal Expertise]

„Staatenloses Recht. Kelsens Vision und ihre Grenzen“, in: *Archiv für Rechts- und Sozialphilosophie* 91 (2005), 61-82 [Stateless Law: Kelsen’s Conception and its Limits]

“Constitutional Treaty. A comment of the legal language of the European Union”, in: *Annual of German and European Law* 1 (2004), 310-322

“This is About Ourselves, Or: What Makes Genetic Discrimination Interesting”, in: N. Stehr (ed.), *Biotechnology. Between Commerce and Civil Society*, (New Brunswick & London: transaction publishers 2004), 195-216

“From Liberalism to Holism. Some observations regarding the ECJ’s new theory of Community competence”, in: *Juridikum* (2004), 143-148

„Dogmatischer Pragmatismus. Über die Normativitätskrise der Europäischen Union“, in: S. Hammer et al (eds.), *Demokratie und sozialer Rechtsstaat in Europa* (Festschrift Theo Öhlinger), Vienna: WUV-Universitätsverlag, 2004, 41-67

„Gleichheit als Diskriminierungsschutz. Eine Replik auf Huster“, in: *Der Staat* 43 (2004), 425-433 [The Core of Equality is Anti-Discrimination: A Reply to Huster]

„Abwägungsregeln. Ein didaktischer Beitrag zur Grundrechtsdogmatik“, in: P. Koller – Ch. Hiebaum (eds.), *Politische Ziele und juristische Argumentation*, Stuttgart: Steiner, 2003, 113-141 [Balancing Rules: A Didactical Contribution to Fundamental Rights Doctrine]

„On Delegation“, in: *Oxford Journal of Legal Studies* 23 (2003), 703-709

“Genetic Discrimination”, in: *Society* 40 (2003), 35-43

„Europa als Rechtsgemeinschaft, Oder: Walter Hallstein ernst genommen“, in: M. Morke - G. Weiss - R. Bauböck (eds.), *Europas Identitäten. Mythen, Konflikte, Konstruktionen*, Frankfurt & New York: Campus Verlag 2003, 207-230 [Europe as a Legal Community, Or: Taking Walter Hallstein Seriously]

“Authoritarian Constitutionalism: Austrian Constitutional Doctrine 1933 to 1938 and Its Legacy”, in: C. Joerges & Navraj Singh Ghaleigh (eds.), *The Darker Legacies of Law in Europe. The Shadow of National Socialism and Fascism over Europe and its Legal Traditions*, Oxford: Hart, 2003, 361-388

„Neoliberale Gerechtigkeit. Die Problematik des Antidiskriminierungsrechts“, in: *Deutsche Zeitschrift für Philosophie* 51 (2003), 45-59 [Neoliberal Justice: The Problem of Anti-Discrimination Law]

„Soziale Überdeterminierung. Über den internen Zusammenhang von Diskriminierung und gedemütigter Freiheit“, in H. Pauer-Studer - H. Nagl (eds.), *Freiheit, Gleichheit und Autonomie*, Berlin: Akademie Verlag 2003, 200-234 [Social Overdetermination: On the Internal Relation between Discrimination and the Humiliation of Liberty]

„De Delegationibus“, in: *Juridikum* 3/2002, 120-123

„Mobilität: Wider die verkürzt verstandene Supranationalität“, in: B. Kohler-Koch & M. Jachtenfuchs (eds.), *Verfassungspolitik in der Europäischen Union*, Mannheim: EZES Publications 2002, 171-201 [Mobility: Against an Impoverished Understanding of Supranationality]

„Zur Prüfungsbefugnis der Zivilgerichte gemäß Art. 89 Abs. 2 B-VG“ (with Roland Gerlach), in: *Österreichische Juristenzeitung* 57 (2002), 441-444 [On the Civil Law Court's Power of Constitutional Review pursuant to Article 89 section 2 of the Austrian Constitution]

„Der enteignete Dienstnehmer“ (with Roland Gerlach), in: *Recht der Arbeit* 52 (2002), 100-117

„Wie erklären wir potentiellen Einwanderern, was wir unseren Landsleuten schulden?“ in: A. Märker & S. Schlothfeld (eds.), *Was schulden wir Flüchtlingen und Migranten? Grundlagen einer gerechten Zuwanderungspolitik*, Wiesbaden: Westdeutscher Verlag 2002, 171-191 [How to Explain to Potential Migrants What We Owe to Our Fellow Citizens]

"On Supranationality", in: *Florida Coastal Law Journal* 3 (2001), 23-40

“Legal Formality and Freedom of Choice. A Moral Perspective on Jhering’s Constructivism”, in: *Ratio Juris* 15 (2002), 52-62 (Chinese translation to appear soon)

„Federalist nostalgia. A comment on our constitutional debate“, in: *Juridikum* 2/2002 (2002), 76-79

„Juristische Expertise“, in: *Rechtshistorisches Journal* 20 (2001), 698-714; reprinted in: K. Lerch (ed.), *Die Sprache des Rechts*, vol. 1: *Recht verstehen. Verständlichkeit, Missverständlichkeit und Unverständlichkeit von Recht*, Berlin & New York: De Gruyter 2004), 413-428 [Legal Expertise]

“Paradoxical Parallels in the American and German Abortion Decisions” (with Richard E. Levy) in: *Tulane Journal of International and Comparative Law* 9 (2001), 109-166

„Euro-Patriotismus 1999“, in: R. Schjerve-Rindler (ed.), *Europäische Integration. Eine Herausforderung für die Wissenschaften*, Napoli 2001, 229-254 [Euro-Patriotism]

“Equality and Constitutional Indeterminacy. An Interpretative Perspective on the European Economic Constitution”, in: *European Law Journal* 7 (2001), 171-195

„Das Mehrheitsprinzip in der Demokratie. Überlegungen zur einer Kontroverse zwischen Max Adler und Hans Kelsen“, in: *Deutsche Zeitschrift für Philosophie* 49 (2001), 397-420 [Majority Rule and Democracy]

„Grenzen der Anpassung“, in: W. Schluchter (ed.), *Kolloquien des Max-Weber-Kollegs VI-XIV* (1999/2000), Erfurt 2000, 201-255 [Limits of Adaptation]

„Die Elektrifizierung der Rechtswissenschaft. Ein Schriftsatz“ (with Nikolaus Forgó), in: S. Haring/K. Scherke (ed.), *Analyse und Kritik der Modernisierung um 1900 und 2000*, Vienna: Passagen Verlag, 2000, 355-370 [The Electrification of Legal Thought: A Legal Brief]

„Die Beschleunigung des arbeitsgerichtlichen Verfahrens“ (with Roland Gerlach) in: *ecolex* 2000, 588-592 [On Speeding Up Labour Law Procedures]

„Eine egalitäre Alternative zur Güterabwägung“, in: B. Schilcher/P. Koller/B.C. Funk (eds.), *Regeln, Prinzipien und Elemente im System des Rechts*, Vienna: Verlag Austria, 2000, 193-220 [An Egalitarian Alternative to Balancing]

„Die Politik innerhalb der Grenzen der theoretischen Vernunft. Das Problem der österreichischen Rechtsphilosophie“, in: K. Acham (ed.), *Geschichte der österreichischen Humanwissenschaften*, Bd. 3.2.: *Menschliches Verhalten und gesellschaftliche Institutionen*, (Vienna.: Passagen Verlag 2000), 365-403 [Politics within the Bounds of Theoretical Reason: The Problem of Austrian Legal Philosophy]

„Braucht Europa den imperialen Parlamentarismus?“, in: *Juridikum* 2000, 9-11 [Does Europe Need an Imperial Parliamentarism?]

„Intuitives Verfassungsrecht“, in: B. Feldner & N. Forgó (eds.), *Norm und Entscheidung*, (Vienna: Springer 2000), 253-279 [Intuitive Constitutional Law]

“A Constitution for Antidiscrimination. Exploring the Vanguard Moment of Community Law”, in: *European Law Journal* 5 (1999), 243-271

“Conflicting Conceptions of Higher Law. Austria and the European Trend in Judicial Review of Legislation”, in: A. Gambaro/A. Rabello et al (eds.), *Toward a European Ius Commune*, (Jerusalem: Sacher Institute 1999), 571-619

„Begründen und Bestimmen. Das moralische Urteil als Praxis“, in: *Deutsche Zeitschrift für Philosophie* 47 (1999), 383-405 [Providing Reasons, Determining Persons: Moral Reasoning as Practice]

„Links vom nördlichen Atlantik. New Republicanism und Empowered Democracy an der Harvard Law School“, in: *Juridikum* 1/99 (1999), 19-20 [Left of the North Atlantic: New Republicanism and Empowered Democracy at Harvard Law School]

“Constitutional Theory as a Problem of Constitutional Law. On the Constitutional Court’s Total Revision of Austrian Constitutional Law”, in: *Israel Law Review* 32 (1998), 567-590

“The Deadweight of Formulae, Or: What Might Have Been the Second Germanization of American Equal Protection Review”, in: *University of Pennsylvania Journal of Constitutional Law* 1 (1998), 284-324

„Rechtsanwendung verstehen. Zur Erneuerung des juristischen Konstruktivismus“, in: *Österreichische Zeitschrift für öffentliches Recht* 53 (1998), 337-362 [Understanding Adjudication]

„Morsche Planken im Schiff der Republik“, in: *Journal für Rechtspolitik* 6 (1998), 339-349 [Rotten Planks in the Republican Ship]

„Einwanderung und soziale Gerechtigkeit“, in: Ch. Chwasczca/W. Kersting (eds.), *Politische Philosophie der internationalen Beziehungen*, (Frankfurt a.M.: Suhrkamp 1998), 409-448 [Immigration and Social Justice]

„National Solidarity, Global Impartiality, and the Performance of Philosophical Theory“, in: *Ratio Iuris* 11 (1998), 103-125

„Gesetzesbindung als Problem der Demokratie“, in: *Journal für Rechtspolitik* 6 (1998), 41-62 [Legality as a Problem of Democracy]

„Die Macht des Bildes. Eine Stichprobe zur juristischen Methode bei Rudolf Thienel“, in: *Juridicum* 3/1997, 26-32 [The Power of Images: A Case Study of Rudolf Thienel’s Legal Methodology]

„Verallgemeinerung und Abwägung. Zur institutionellen Dimension vernünftiger Gründe“, in: H. Haller et al (eds), *Staat und Recht (Festschrift Günther Winkler)*, (Vienna & New York: Springer 1997), 1051–1097 [On the Institutional Dimension of Reasonable Grounds]

„Unbestimmtheit und Anerkennung. Prolegomena zu einer Theorie der grundrechtlichen Schutzgüter“, in: P. Koller/K. Puhl (eds.), *Current Issues in Political Philosophy: Justice in Society and World Order*, (Vienna: Hölder 1997), 62–74 [Indeterminacy and Recognition: Towards a Theory of Basic Legal Goods]

„Rechte und Quoten. Eine Probe aufs Exempel von Fremden und Frauen“, in: *Archiv für Rechts- und Sozialphilosophie* 83 (1997), 242–263 [Rights and Quotas: The Example of Foreigners and Women]

„Zur gegenwärtigen Kontroverse über nachpositivistisches Rechtsdenken“, in: *Juridikum* 4/1996, 26–29 [The Current Controversy over Post-Positivist Legal Thought]

„German Legal Philosophy and Theory in the nineteenth and twentieth centuries“, in: D. Patterson (ed.), *A Companion to Philosophy of Law and Legal Theory*, Oxford 1996, 343–354

„Die Kaserne des Egoismus. Jherings Genealogie der Moralität“, in: G. Luf/W. Ogris (eds.), *Der Kampf ums Recht. Forschungsband aus Anlaß des 100. Todestages von Rudolf von Jhering*, (Berlin: Duncker & Humblot 1995), 57–93 [The Baracks of Egoism: Jhering's Genealogy of Morals]

„Ein Fragment über Verfassungsinterpretation“, in: *Juridikum* 3/95 (1995), 33–37 [A Fragment on Constitutional Interpretation]

„Die Moralisierung der Menschenrechte. Eine Auseinandersetzung mit Ernst Tugendhat“ in: Chr. Demmerling/Th. Rentsch (eds.), *Die Gegenwart der Gerechtigkeit. Diskurse zwischen Recht, praktischer Philosophie und Politik*, (Berlin: Akademie Verlag 1995), 48–56 [The Moralization of Human Rights: A Controversy with Ernst Tugendhat]

„Nationalstaat und Immigration. Rechtsphilosophische Vorüberlegungen zur Fremdenpolitik“, in: *Journal für Rechtspolitik* 3 (1995), 115–137 [Nation-State and Immigration: A Philosophical Basis for Immigration Policy]

„Haben Sie heute schon dekonstruiert? Zur Bedeutung der Dekonstruktion in der neueren amerikanischen Rechtstheorie“, in: *Rechtstheorie* 26 (1995), 201–222 [Have You already Deconstructed Today? On the Significance of Deconstruction in Current American Legal Theory]

„Gleichheit — Vom ‘Eingriff’ zum Rechtsverhältnis“, in: *Juridikum* 5/94 (1995), 42–46 [Equality – From Infringement to Legal Relationship]

„Demokratische Gesetzesherrschaft“, in: *Juridikum* 4/94 (1994), 40-44 [The Democratic Rule of Law]

„Nachpositivistisches Rechtsdenken“, in: *Juridikum* 3/94 (1994), 39-44 [Post-Positivist Legal Thought]

„Vom Doppelcharakter rechtlichen Wissens“, in: *Juridikum* 2/94 (1994), 42-46 [On the Double-Character of Legal Thought]

„Brauchen die Juristen Philosophie?“, in: *Juridikum* 1/94 (1994), 40-44 [Do Lawyers Need Philosophy?]

„Democracy and the Problem of Collective Identity. Conceptual Distinctions without deference to Carl Schmitt“, in: H. Pauer-Studer (ed.), *Norms, Values, and Society*, Dordrecht 1994, 153-172

“From Kennedy to Balkin. Introducing Critical Legal Studies from a Continental Perspective“, in: *Kansas Law Review* 42 (1994), 759-783

„Unbestimmtheit: Habermas und die Critical Legal Studies“, in: *Deutsche Zeitschrift für Philosophie* 41 (1993), 343-357 [Indeterminacy – Habermas and Critical Legal Studies]

„Von der Rechtserkenntnis zur interpretativen Praxis: Eine regelskeptische Verteidigung des Regelbegriffs in der Jurisprudenz“, in: *Rechtstheorie* 23 (1993), 467-490 [From Traditional Legal Scholarship to Interpretative Practice: A Defense of the Concept of Rules in a Rule-Skeptical Mode]

“The Concept of Value and the Transformation of Legal Philosophy into Legal Theory. Lask’s Silent Revolution“, in: *Diritto e cultura* 1/2 (1992), 161-192

„Philosophische Rechtslehre und demokratische Praxis. Über die Demokratie als Nicht-Identität mit sich selbst“, in: *Internationales Jahrbuch für Rechtsphilosophie und Gesetzgebung* 2 (1992), 115-153 [Philosophy of Law and Democratic Practice: Non-Identity as the Principle of Democracy]

„Rechtswissenschaft interdisziplinär“, in B. Möller (ed.), *Logik der Pädagogik*, Bd. 3, Oldenburg 1992, 351-391 [An Interdisciplinary Approach to Legal Scholarship]

„Die Juristen als Depositare des Rechtsbewusstseins“, in: *Juridikum* 3/91 (1991), 38-41 [Lawyers as the Fiduciaries of Legal Consciousness]

„Wozu ‘Einführung in die Rechtswissenschaften und ihre Methoden?’“, in: *Juristische Ausbildung und Praxisvorbereitung* 1 (1990), 6-7 [Why ‘Introduction to Law and the Methods of its Study?’]

„Die Rechtswissenschaft zwischen traditionalem Ethos und kritischer Ethik. Metaphysikkritische Überlegungen zur Rationalität des modernen Rechts“, in E. Mock /C. Varga (eds.), *Rechtskultur - Denkkultur*, (Stuttgart: Steiner 1989), 119-135 [Legal Doctrine]

between Traditional Ethos and Critical Morality: Some Remarks on the Rationality of Modern Law]

„Die Praxis ist ganz anders. Rechtstheoretischer Versuch über die Rechtspraxis im Rahmen einer systemtheoretischen Rekonstruktion des Holmesschen Prädiktivismus,“ in: *Rechtstheorie* 18 (1987), 463-486 [Practice is Totally Different: A Juridico-theoretical Essay on Legal Practice on the Basis of Holmes' Predictivism]

„Politischer Monismus versus formalistische Aufklärung. Zur Kontroverse zwischen Carl Schmitt und Hans Kelsen“, in S. L. Paulson et al (eds), *Untersuchungen zur Reinen Rechtslehre*, (Vienna: Manz 1986), 109-136 [Political Monism versus Formalist Enlightenment: On a Controversy between Hans Kelsen and Carl Schmitt]

„Richterethos und Moraltheorie“, in: *Österreichische Richterzeitung* 63 (1985), 265-269 [Judicial Ethos and Moral Theory]

E. Selected Online-Publications

Europe: From Emancipation to Empowerment, LSE European Institute Working Paper, <http://www2.lse.ac.uk/europeanInstitute/LEQS/LEQSPaper60.pdf>

The Social Question in a Transnational Context, LSE European Institute Working Paper, <http://www2.lse.ac.uk/europeanInstitute/LEQS/LEQSPapers.aspx>

Zigaretten töten, Pistolen schützen, <http://science.orf.at/science/news/156437> [Cigarettes kill, pistols protect]

The Emancipation of Legal Dissonance, U Iowa Legal Research Paper No. 09-02 (2009), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1333194

Transnational Constitutional Law: The Normative Question, U Iowa Legal Research Paper No. 09-03 (2009) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1333225

Equality as Reasonableness. Constitutional Normativity in Demise, U Iowa Legal Studies Research Paper No. 05-33 (2006) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1333225

Postconstitutional Treaty, in: *German Law Journal* 8 (2008), 1121-1131, http://www.germanlawjournal.com/pdf/Vol08No12/PDF_Vol_08_No_12_1121-1132_Articles_Somek.pdf

Equality as Reasonableness. Constitutional Normativity in Demise, U Iowa Legal Studies Research Paper No. 05-33 (2006), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=870051

Inexplicable Law. Legality's Adventure in Europe, U Iowa Legal Studies Research Paper No. 05-41 (2006), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=870051

Kelsen lives, IILJ Working Paper 2006/4, <http://www.iilj.org/documents/2006-4-HT-Somek-final-web.pdf>

Stateless Law: Kelsen's Conception and its Limits, U Iowa Legal Studies Research Paper No. 05-15 (2005), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=708304

Democratic Minimalism. Turning the Clock Back from Democracy to Democratisation, U Iowa Legal Studies Research Paper No. 05-10 (2005), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=672224

Constitutional *Erinnerungsarbeit*: Ambivalence and Translation, in: German Law Journal 6 (2005) 257-370, <http://www.germanlawjournal.com/article.php?id=561>

Antidiscrimination and Decommodification, U of Iowa Legal Studies Research Paper No. 05-03 (2005), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=651441

Mobilität: Wider die verkürzt verstandene Supranationalität, MZES Arbeitspapiere 55 (2002), http://www.mzes.uni-mannheim.de/publications/wp/wp_start.html [Mobility: Against an Impoverished Understanding of Supranationality]

On Supranationality, in: European Integration Online Papers, <http://eiop.or.at/eiop/texte/2001-003a.htm>

The Deadweight of Formulae, Or What Might Have Been the Second Germanization of American Equal Protection Review, in: University of Pennsylvania Journal of Constitutional Law 1 (1998) <http://www.law.upenn.edu/conlaw/issues/vol1/num2/somek.htm>

F. Reviews, Reports, Miscellaneous

“Stuck with the Prototype” (= review of Bruce Ackerman, *The Failure of the Founders*), to appear in: *International Journal of Constitutional Law* (2008)

“The most recent disenchantment of public international law”, in: *Iowa Advocate* (2007)

Standortkonkurrenz, in: *Polar* 2007 [Business Place Competition]

„Das Ganze des Rechts“ (= review of: Andreas Funke, *Allgemeine Rechtslehre als juristische Strukturtheorie*), in: *Rechtsgeschichte* 7 (2005), 184-186 [The Totality of Law]

„Weltklasseuni“, in: *Politicum* 97 (2004) 127-130; reprinted in: *Die Zukunft* 1 2005, 14-17 [World Class University]

„Die Untüchtigen“, in: *Polar* 2004 [The Untalented]

„Keine Frage der Denklogik“, in: *Juridikum* 1/2003, 14-15 [Not a Matter of Logic]

- „Bioliberalismus“, in: *Juridikum* 4/2002, 149 [Bioliberalism]
- „Triumph des Privatrechts“, in: *Juridikum* 3/2002, 128 [The Triumph of Private Law]
- „Führung, Training, Entertainment“, in: *Juridikum* 3/2002, 105-106 [Leadership, Training, Entertainment]
- Review of: T.R.S. Allan, „Constitutional Justice. A Liberal Theory of the Rule of Law, in: *Philosophy in Review* 22 (2002) 389-391
- Review of Ronald Dworkin, *Sovereign Virtue*, in: *Philosophy in Review* 22 (2002), 416-419
- „Praxisrelevanz“, in: *Frankfurter Rundschau* v. 17.10. 2001 [Practice relevance]
- „democracy.babble@cec.eu.int. A note on the Commission’s White Paper on Governance“, in: *Juridikum* 4/2001 (2001), 202-203
- „Apologie der Habilitation“, in: *Juridikum* 3/2001 (2001), 105 [In Defense of Habilitation]
- „Wer fürchtet sich vor der verstärkten Zusammenarbeit?“, in: *Juridikum* 3/00 (2000), 161 [Who’s Afraid of Closer Co-operation?]
- „Erinnerungen an die siebziger Jahre“ (= review of B. Rüthers, *Rechtstheorie*), in: *Rechtshistorisches Journal* 19 (2000), 15-23 [Reminiscences of the Seventies A review of B. Rüthers, Rechtstheorie]
- „Banale Modernisierung“, in: *Juridikum* 1/00 (2000), 60-61 [Banal Modernisation]
- „Supervision der Befürchtungen“, in: *Juridikum* 1/00 (2000), 37 [Supervision of Fears]
- „Noch immer links vom nördlichen Atlantik“ (with Viktor Mayer-Schönberger), in: *Juridikum* 1/99 (1999), 21-22 [Still Left of the North Atlantik]
- „Auf dem Königsweg zwischen Ökonomie und Moral“, *Frankfurter Rundschau* 24.11.1998, 22 [On a Path Between Economics and Morality]
- Review of: Horst Heinrich Jakobs, *Die Begründung der geschichtlichen Rechtswissenschaft*, (Paderborn – München – Wien – Zürich: Ferdinand Schöningh 1992), (Rechts- und Staatswissenschaftliche Veröffentlichungen der Görresgesellschaft, Neue Folge 63), in: *Zeitschrift für Neuere Rechtsgeschichte* 1997
- Review of: Marie Sandström, *Die Herrschaft der Rechtswissenschaft*, Stockholm: A.-B. Nodriska Bokhandeln 1989 (Skrifter utgivna av Institutet för Rättshistorisk Forskning, Serien I, 44), in: *Zeitschrift für Neuere Rechtsgeschichte* 1997
- „The Indeterminacy of Social Integration“, in: *IFK-News* 1/1996, 5-6
- Review of: Roberto M. Unger, *False Necessity*; Unger, *Social Theory*; Unger, *Plasticity into Power*, in *Kritische Justiz* 24 (1991), 129-133

Review of: Mark Kelman, A Guide to Critical Legal Studies, in *Rechtstheorie* 20 (1989), 547-549

Review of: Winfried Brugger, Grundrechte und Verfassungsgerichtsbarkeit in den Vereinigten Staaten von Amerika, in *Juristische Blätter* 111 (1989), 133-135

Review of: Friedrich Tezner, Rechtslogik und Rechtswirklichkeit, in *Österreichische Zeitschrift für öffentliches Recht* 38 (1987/88), 379-383

Review of: Anton Blok, Anthropologische Perspektiven: Einführung, Kritik und Plädoyer, in *Zeitschrift für Rechtsvergleichung* 27 (1986), 237-238.

Invited lectures and participation in conferences

- | | |
|---------------|---|
| November 1985 | „Universalrechtsgeschichte und Evolutionstheorie des Rechts“ (lecture delivered at a conference in Rüdesheim) [<u>Universal Legal History and the Theory of Legal Evolution</u>] |
| May 1987 | „Die Rechtswissenschaft im Spannungsfeld zwischen traditionalem Ethos und kritischer Ethik“ (talk given at a meeting of Hungarian and Austrian Legal Philosophers in Balatonkenese) [<u>Legal Doctrine between Traditional Ethos and Critical Morality</u>] |
| December 1987 | „Superliberalismus – Legitimation durch Überschreitung“ (talk given in a seminar held by Felix Ermacora) [<u>Superliberalism – Legitimation through Transcendence</u>] |
| February 1988 | Die Ambivalenz des modernistischen Projekts in der Rechtsphilosophie (lecture held at the University of Münster) [<u>The Ambivalence of the Project of Modernism in Legal Philosophy</u>] |
| March 1990 | Participation in a colloquy organized by Ernst Amadeus Wolff at the University of Frankfurt/Main on Fichte’s „Grundlage des Naturrechts“ |
| May 1990 | Participation in the workshop on „The Theoretical Foundations of Legal Policy“ held in Retzhof near Graz |
| June 1992 | „Von der Rechtserkenntnis zur interpretativen Praxis“ (lecture delivered at the Faculty of Law, Graz University) [<u>From Traditional</u> |

Legal Scholarship to Interpretative Practice]

- December 1992 „Jherings Genealogie der Moralität“ (lecture delivered at a symposium held in Vienna celebrating the centennial of Jhering’s lecture on „the struggle for law“) [Jhering’s Genealogy of Morals]
- May 1993 „From Kennedy to Balkin. Introducing Critical Legal Studies from a Continental Perspective“ (talk given at the University of Kansas School of Law)
- September 1993 „Demokratie und politische Einheit“ (talk given at a symposium organized by the institute „Vienna Circle“ on „Norms, Values, and Society“) [Democracy and Political Identity]
- May 1994 „Brauchen die Juristen Philosophie?“ (talk given at a meeting of the Viennese Lawyers’ Association [Wiener Juristenverein-Konzipientenverband]) [Do Lawyers Need Philosophy?]
- October 1994 „Nationalstaat und Immigration“ (lecture delivered at a symposium held in Vienna on the philosophical aspects of current legal policy) [Nation-State and Immigration]
- April 1995 „The Cash-Value of Political Justice: Equality and Proportionality in Comparative Perspective“ (series of lectures delivered at the University of Kansas School of Law)
- June 1995 „Rechte und Quoten am Beispiel der Einwanderungspolitik“ (talk presented at a workshop held in Graz on the political philosophy of international relations) [Rights and Quotas on the Example of Strangers and Women]
- December 1995 organized international conference „The Indeterminacy of Social Integration“ (participation of scholars from Europe and the United States)
- April 1996 organized workshop „Cultures of Constitutional Interpretation“ (participation of scholars from Eastern and Western Europe and the United States)

- February 1996 „National Solidarity and Global Impartiality“ (lecture delivered at the conference organized by the European Law Students Association on „Europe Without Borders?“)
- June 1996 Chairperson of the Workshop „EU minimum standards and the concept of the refugee“ – the workshop was part of a conference organized by Amnesty International on asylum in Europe
- August 1996 „Unbestimmtheit und Anerkennung. Prolegomena zu einer Theorie der grundrechtlichen Schutzgüter“ (talk given at the International Wittgenstein-Symposium in Kirchberg/Wechsel) [Indeterminacy and Recognition. Towards a Theory of Basic Legal Goods]
- January 1997 „Rechtsanwendung als Interpretationspraxis“ (two lectures delivered at a conference organized by the German Academy of Judges in Trier) [Adjudication as Interpretative Practice]
- April 1997 „Die Diskontrate der Gesetzesbindung“ (lecture delivered at a workshop on law and linguistics in Mannheim) [The Discount Rate of Legality]
- April 1997 „Verallgemeinerung und Abwägung“ (talk given in a workshop on Ethics at the Vienna Institute for Philosophy) [Universalization and Balancing]
- June 1997 „Pluralistische und soziale Demokratie. Zur Rechtfertigung des Majoritätsprinzips bei Hans Kelsen und Max Adler“ (lecture delivered at a symposium devoted to the work of Max Adler) [Pluralist and Social Democracy. On the justification of majority rule in the writings of Max Adler and Hans Kelsen]
- October 1997 Participation in a workshop on the role of principles in law in Graz
- November 1997 „Geld – Macht – Recht: Über den Entdeckungszusammenhang des nachpositivistischen Rechtsdenkens“ (lecture at the University of Salzburg) [Money – Power – Law. On the context of discovery of post-positivist legal thought]

- December 1997 „Conflicting Conceptions of Higher Law. Austria and the European Trend in Judicial Review of Legislation“ (lecture delivered at the Supreme Court of Israel as part of the First Legal Colloquium Israel-Austria)
- March 1998 „The Deadweight of Formulae Explained“ (talk given at the Symposium „Universality and Contextuality. Constitutional Borrowings at a Global Stage“ held at the University of Pennsylvania School of Law, March 20-March 21, 1998)
- April 1998 „The Undue Impositions Principle. From the Second German Abortion Decision to the Egalitarian Reconstruction of Constitutional Law“ (talk given at the Law School of Washington University, St. Louis)
- October 1998 „Reverse Discrimination Revisited“ (lecture delivered in Vienna as part of the Second Legal Colloquium Israel-Austria)
- October 1998 Chair of the section devoted to „Legal Thought“ at the international symposium on „European Integration and Expansion. A Challenge for the Human Sciences“ held in Vienna
- December 1998 „Grenzen der Anpassung. Eine alternative Sicht auf das Verhältnis von Pluralismus und Gleichheit“ (talk given at the Max Weber Kolleg of Erfurt University) [Limits to Adaptation. An Alternative Perspective of the Relationship between Pluralism and Equality]
- May 1999 „Zwischen Anstandsblabla und Rechtskritik. Überlegungen zur Beschäftigung mit der Ethik der juristischen Berufe“ (talk given at the conference on “Legal Ethics” held by European Law Students Association in Vienna) [Between Moral Babble and Legal Criticism. Some Thoughts on Legal Ethics]
- April 2000 „Equality and Discrimination“ (talk given at the Wirtschaftsuniversität Wien, opening lecture of the Vienna „Eucotax“ Meeting)
- August 2000 „Demokratie an ihrer historischen Grenze?“ (talk given at the European Forum Alpbach) [At the Historical Limit of Democ-

racy?]

- November 2000 „On the Very Idea of Supranationality” (faculty seminars held at the Law School of the University of Sydney and the Law Faculty of Australian National University)
- March 2001 „Legal Expertise” (contribution to a workshop on theory and practice at the Hanse Kolleg, Delmenhorst, Germany)
- May 2001 „Authoritarian Constitutionalism” (talk given at the European University Institute, Florence, Italy)
- May 2001 „Die Elektrifizierung der Rechtswissenschaft” (lecture delivered at a workshop on law and linguistics in Vienna) [The Electrification of Legal Thought]
- October 2001 Participant in a Workshop on „Law as Literature” at the University of Frankfurt/Main
- November 2001 „Supranationalität – Prinzip und Gegenprinzip” (paper presented at an interdisciplinary workshop devoted to questions of European constitutional policy, which was hosted by the Mannheim center for European Social Research) [Supranationality – Principle and Counter-principle]
- December 2001 „Kollektive Identität und Europäisches Recht” (paper presented at an interdisciplinary workshop on “European Identities”, organized by the Austrian Academy of Arts and Sciences and the Vienna Academy of Diplomacy) [Collective Identity and European Law]
- March 2002 “The War on Terrorism and the European Perspective on Public International Law” (panel statement at the meeting of the Mid-western division of the National Lawyers Guild)
- March 2002 “The Specter of Supranationality. A Comment on Joerges and Eriksen” (paper presented on a panel devoted to the Commission’s White Paper on Governance at the Annual Conference of Europeanists in Chicago)

- March 2002 “Authoritarian Constitutionalism” (paper presented on a panel devoted to the Dark Heritage of European Legal Thought at the Annual Conference of Europeanists in Chicago)
- April 2002 “Law and Integration in Europe” (panel statement at the conference on Western Hemispheric Integration, Democracy and the Rule of Law, held at the University of Iowa)
- April 2002 “We in Europe – The two tracks and the ethos of European integration” (speech delivered at the annual banquet of the journal for Transnational Law and Contemporary Problems, Iowa City)
- April 2002 Participation in the JCMS conference on “Europe –Reassessing the Fundamentals” (European University Institute, Florence)
- May 2002 “Supranationality Limited – Europe’s One-Dimensional Jurisprudence” (faculty seminar given at the University of Iowa college of law)
- May 2002 “Europe: Constitutional Nostalgia and the Imperial Dream” (two lectures delivered at the University of Kansas)
- June 2002 “Europe: Federalist Nostalgia and the Imperial Dream. Some Comments on the Convention on the Future of Europe” (lecture delivered to the Iowa City Foreign Affairs Council)
- September 2002 “This is About Ourselves, Or: What Makes Genetic Discrimination Interesting” (paper presented at a conference in Essen/Germany on Biotechnology, Commerce, and Civil Society)
- September 2002 “Obstacles, Inequalities, and Circularity” (paper presented at the New York-Oxford workshop on “Regulating Transnational Markets: Between State Sovereignty, Integrated Markets and Transnational Communities”, held at New York University School of Law)
- October 2002 “Die beiden Sprachen des Antidiskriminierungsrecht” (paper presented in Graz at a workshop on the role of goals and rights in legal reasoning) [[The Two Languages of Antidiscrimination Law](#)]

- November 2002 “Die Ermächtigungsnorm. Kelsen und die Normativität des Normativen” (paper presented in Frankfurt/Main at an international conference on Hans Kelsen „as a legal scholar and a philosopher of law“) [The power-conferring norm. Kelsen and the normativity of norms]
- December 2002 Participation in a panel discussion on “Interpretative Power of the Law”, organized by the Association of Viennese Attorneys
- January 2003 Participation in and chairperson at the international workshop on „Transformation of Statehood from a European perspective“, organized by Research Unit for Institutional Change and European Integration, Austrian Academy of Sciences
- April 2003 “Antidiscrimination and Decommodification” (comment delivered at the International Conference on “Diversity, Justice, and Democracy”, organized by the European Center for Social Policy in Vienna)
- June 2003 “Die Frage der Rechtstheorie” (talk given at the “Franken Intradisciplinary Forum”, Law Faculty of the University of Erlangen) [The Question of Legal Theory]
- September 2003 “Is Representation Enough?” (paper presented at the conference, held in Vienna, on “Constitutionalism and Democratic Representation in the European Union”, organized by the Austrian Academy of Sciences and European partner institutions)
- October 2003 “Constitutional Treaty” (paper presented at the interdisciplinary workshop “The Discursive (Re-)Construction of European Identities (Interpreting the European Convention)”, organized by Ruth Wodak and other members of the Department of Linguistics of the University of Vienna)
- March 2004 “Market Holism. Towards a Reconstruction of the ECJ’s New Theory of Community Competence” (talk given at the European Law Research Center, Harvard Law School)

- March 2004 “Good News and Bad Habits: Tobacco, Culture and the Rule of Law in the European Union” (talk given at the Kennedy School of Government, Harvard University)
- March 2004 “Reflections on United States - European relations” (talk and discussion at a “Great Decisions” Workshop in Muscatine, Iowa)
- June 2004 “The Role of Roman Law in European Legal History” (talk given at the Summer School of the University of Iowa School of Law in Arcachon, France)
- June 2004 Co-organisation of the Conference on “Antidiscrimination Law and the Social Welfare State”, held in Vienna, June 21-22, co-hosted by the City of Vienna and the Austrian Chamber of Workers
- June 2004 “The Puritan Predicament” (paper presented at the above mentioned conference on Antidiscrimination Law)
- July 2004 “Constitutional *Erinnerungsarbeit*: Ambivalence and Translation” (statement at the workshop “Recrafting the Past after ‘Bitter Experiences’: the Shadows of the Past(s) over the Constitutionalization of Europe”, held at the European University Institute in Florence, Italy)
- July 2004 Participation in a workshop hosted by the Berlin-Brandenburg Academy of Sciences on the current state and future of legal theory
- October 2004 Radcliffe Institute for Advanced Study (Harvard University): Advanced Workshop: Regulatory Interaction – The Normative Question (organized in co-operation with Viktor Mayer-Schönberger)
- October 2004 “Harmonisation and Mobilisation: On the Social Construction of Successful European Integration” (paper presented at the International Law Weekend 2004 of the International Law Association, American Branch, New York City)
- March 2005 “The Austrian Tradition of Public Law Scholarship” (draft paper presented at a meeting with publishers and other authors at the

Max Planck Institute for Public International Law and Foreign Public Law, Heidelberg/Germany)

- March 2005 and
October 2005 “Inexplicable Law. Privatising Legality in Europe” (paper presented at the conference “Can Knowledge be made Just”, held at the Institute of Cultural Studies in Essen, Germany; a revised paper was presented at the University of Iowa College of Law)
- May 2005 “The Benign Empire. European Political Imagination in the Twenty First Century” (paper presented at a conference on “The Re-/Constructions of Europe/EU: On Social Political and Cultural Dimensions of Reforming and Enlarging the European Union” hosted by the Department of Linguistics and the Institute of Advanced Studies of the University of Lancaster)
- June 2005 “Equality as Reasonableness” (paper presented at the conference “The Dark Side of Fundamental Rights”, held at the Department of Law (Andras Sajó) of the Central European University, Budapest)
- September 2005 “Decommodification revisited” (paper presented at the concluding conference of the CIDEL-Project “Law and Democracy in Europe's Post-National Constellation”, European University Institute)
- December 2005 “Why Representation?” (comment at the international symposium “Transforming Europe – Conflict, Inclusion, Exclusion in the enlarged Europe” held at the University of Salzburg)
- February 2006 “Kelsen lives” (paper presented in a seminar conducted by Philip Alston, Benedict Kingsbury and Mattias Kumm on Theories of Public International Law at New York University School of Law)
- March 2006 *Europe in Translation: The rearticulation of European Civilisation in a Global Age* (international conference organized at the University of Iowa)
- April 2006 *Iowa City Hegel Fest* (workshop organized at the University of Iowa,

to which I was able to attract Robert Pippin and Terry Pinkard)

- October 2006 “Und was fehlt eigentlich? Eine Anmerkung zu Europeas politischem Erfahrungsraum” (paper presented at a conference in Berlin about “Bitter Experiences of the Past and the Constitutionalization of Europe) [And what is really missing? A note on the European political horizon]
- April 2007 “Solidarity Decomposed: Being and Time in European Citizenship” (paper presented at a faculty workshop at the University of Iowa)
- June 2007 “Demokratie als Verwaltung: Wider die deliberative halbierte Demokratie” (paper presented at an international conference on the constitutionalization of world society at the University of Flensburg) [Democracy as Administration: Against the deliberative truncation of democracy]
- June 2007 “Legalität heute” (talk given at the Alfried Krupp Wissenschaftskolleg, Greifswald) [Legality today]
- October 2007 “Rechtsdynamik” (talk at a symposium on the history of German legal theory held at the ZIF in Bielefeld) [Legal Dynamics]
- October 2007 “Was ist Gleichheit?” (talk at the Otto Suhr Institut of the Free University of Berlin) [What is Equality]
- November 2007 “Rechtverhältnis und aufrechter Gang” (talk at a symposium in Vienna on Human Dignity) [Legal Relationship and Human Dignity]
- March 2008 “Constitutional Law: The Normative Question” (talk given at the WIKO Berlin)
- April 2008 “Democracy-Enhancing International Law: The Argument from Transnational Effects” (paper presented at a Indian-European exchange on comparative constitutional law at the WIKO Berlin)

- November 2008 “Konstitution ohne Emanzipation: Überlegungen zu Europas Verfassungsproblem” (keynote lecture delivered at a conference in Bremen) [Constitution Without Emancipation: Notes on Europe's Constitutional Problem]
- January 2009 “The Emancipation of Legal Dissonance” (keynote lecture at a conference held at the University of Bergen in the European Court of Justice)
- March 2009 “From the Rule of Law to the Constitutionalisation Makeover: Changing European Conceptions of Public International Law” (paper presented at a conference at the University of Indiana on Changing Conceptions of Public International Law)
- April 2009 “Democracy-Enhancing International Law: The Argument from Transnational Effects” (revised paper presented at New York University School of Law)
- June 2009 “The Constitutionalization of Public International Law - A Kelsenian Perspective” (Leipzig, Conference on Hannah Arendt, Hans Kelsen, Carl Schmitt and the international order)
- June 2009 “Rechtswissenschaft und Common Law” (talk given at the Heidelberg, Max Planck Institute for Public International Law and Comparative Public Law) [Legal Science and Common Law]
- October 2009 “Constitutionalization and the Common Good” (University of Salzburg, Centre of European Union Studies)
- November 2009 “Die Verfassung im Zeitalter ihrer transnationalen Reproduzierbarkeit” (Berlin, Friedrich Ebert Stiftung, talk at a conference on structural questions of the EU) [The Constitution in the Age of its Transnational Reproducibility]
- February 2010 “Constitutionalization and the Common Good” (presentation as part of the Floersheim Center Series on Global and Comparative Public Law Theory, Cardozo Law School)

- March 2010 “Constitutionalizing International Law – The New Way Forward?” (University of Iowa College of Law, presentation as part of a conference on Human Rights and US Standing in the World under the Obama Administration)”
- April 2010 “Monism: A Tale of the Undead” (talk at the Political Science Department of Columbia University, New York)
- April 2010 “Monism v. Pluralism” (talk at conference on Foundations of Public International Law, held at the University of Pennsylvania)
- September 2010 “Monism: A Defence” (talk given at the conference "Legal Science and Legal Theory: An International Conference on Philosophy of Law" organized by the faculty of law at Oxford)
- October 2010 “The social substance of the European allocation of competence” (talk given as part of a workshop on „European Constitution and Social Democracy“ in Bad Homburg (Germany), October 8-9, 2010)
- October 2010 “Europe’s Social Question” (paper presented on October 11, 2010, at the London School of Economics as part of the GOLEM workshop series)
- November 2010 “Cosmopolitan Self-determination”, talk at the University of Salzburg
- January 2011 “Risk-Society and Alienation” (talk given at the Fakulteit der Rechtsgeleerdheid – Vrije Universiteit Amsterdam)
- January 2011 “Three forms of collective self-determination" (paper presented at the conference "Constitutionalism in a New Key" held at the Humboldt University Berlin)
- February 2011 “Europe as an Administrative State?”, a discussion of Peter Lindseth’s recent book at the University of Connecticut School of Law
- April 2011 “Europe: political, not cosmopolitan” (talk given at New York State University, Buffalo April 28: CEUS Conference: Realizing Europe:

- The Lisbon Treaty in Perspective)
- April 2011 “Social Policy in Europe: Domestication, Assimilation, and Disarmament” (talk given at the Remarque Institute of New York University)
- May 2011 “The cosmopolitan constitution” (paper presented at a conference on “Theorizing the Commonwealth”, Harvard University, Centre for Humanities)
- October 2011 Unity and Community: A tale of two monsters and one unanswered question (paper presented at a conference commemorating the twentieth anniversary of the publication of J.H.H. Weiler’s “The Transformation of Europe”, Yale Law School)
- February 2012 “What's at Stake in Europe: The Legal, Social and Political Challenges Facing the EU”, lecture delivered at Coe College, Cedar Rapids
- March 2012 Equality and Social Justice in the EU (talk, Harvard University, Harvard European Law Association)
- April 2012 Accidental Cosmopolitanism: Citizenship at the End of History (paper submitted to the University of Iowa Legal Studies workshop)
- April 2012 The Constituent Power in a Transnational Context (talk, Philosophy Department of the University of Iowa)
- May 2012 From Migrant to Workers (paper presented as part of a conference on “Conflicts in Europe”, NYU Law School)
- June 2012 Accidental Cosmopolitanism (paper presented at the conference “Democracy, Legality and Policy”, The Tilburg Center for Logic and Philosophy of Science, Tilburg)
- June 2012 The Constituent Power in a Transnational Context: (WZB and Humboldt University Berlin, Colloquium “Rethinking Law in a

- Global Context”)
- June 2012 Accidental Cosmopolitanism: (paper presented at a conference on “Political Constitutions” in London)
- September 2012 Legal Science as a Source of Law (paper presented at a conference on Hermann Ulrich Kantorowicz at Washington and Lee Law School)
- October 2012 The European Courts of Justice (paper presented at the Annual Conference of the American Society of Comparative Law, held at the University of Iowa College of Law)
- October 2012 Europe: From Emancipation to Empowerment (paper presented as part of the Law and Public Policy Seminar Series at Princeton University)
- November 2012 What is Political Union? (Keynote lecture, delivered at the meeting of the Transnational Student Association, Princeton)
- March 2013 Citizenship: Talking to the Rear-guard (draft paper presented at a workshop held at American University, Washington, DC)
- May 2013 Europeans without a Fatherland: A Comment on Bellamy (paper given at a conference on Representation at the Vienna Institute for Advanced Study)
- June 2013 Equality and Dignity (paper presented at a conference on human dignity at the Berlin Institute for Advanced Study)
- October 2013 The Darling Dogma of Bourgeois Europeanists (paper workshopped as part of the University of Iowa College of Law workshop series)
- November 2013 The European Democracy Deficit: Then and Now (talk given to the European Studies Group of the University of Iowa)
- December 2013 What is Cosmopolitan Constitutionalism? (talk given at the Law Department of the London School of Economics and Political Sci-

ence)

- December 2013 Authoritarian Liberalism (public lecture at the London School of Economics and Political Science)
- December 2013 The Darling Dogma of Bourgeois Europeanists (talk given at the Law Faculty of City University, London)
- March 2014 The Question of Self-Repair: On Discrimination and Dignity (talk given at the mini-symposium “Outside the Box” that I organised at the University of Iowa)
- March 2014 Authoritarian Liberalism (Faculty Workshop at Georgetown University Law Centre)