

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
LAW SCHOOL

February 6, 2009

Christina Duffy Burnett
Associate Professor of Law

Stuart Banner and Victoria List
Co-Chairs, 2009 ASLH Program Committee

via email to banner@law.ucla.edu

To the 2009 ASLH Program Committee:

Greetings! I write on behalf of Linda Kerber, David Abraham, and myself with a proposal for a panel entitled “Ambiguities of Citizenship.” Below you will find the materials you’ve requested: panel description, abstracts, and bios/cv’s. Sandy Levinson of U.T. Austin School of Law has agreed to serve as our commentator, and we are waiting for confirmation from the colleague we have invited to be our chair.

I should mention that this panel was accepted for last year’s ASLH conference: we had to withdraw it—with great regret—when unexpected scheduling conflicts arose for several of us (among them my own pregnancy, as a result of which I was unable to travel on the date of the conference). We hope that this year’s Program Committee will agree with last year’s on the merits of our proposal!

Many thanks.

Regards,



Christina Duffy Burnett

AMBIGUITIES OF CITIZENSHIP

Panel Proposal
American Society for Legal History Conference
November 12 – 14, 2009
Dallas, Texas

Submitted by
David Abraham, Christina Duffy Burnett & Linda Kerber

Panel Description

In *Dreaming of Gold, Dreaming of Home*, Madeline Yuan-yin Hsu tells the story of Mei Shiming. Born in China, Mei Shiming emigrated to the United States in 1938 and stayed for more than four decades—until 1984, when he returned to his native land (at the age of 100) to be reunited with his wife and their four surviving children. Despite his long sojourn in North America, Mei Shiming never became a U.S. citizen. But after living in the United States for almost half a century, had he become an “American”? If he had acquired U.S. citizenship, would that answer the question? Would he then have been, without doubt, a genuine *American*? To be sure, citizenship would have conferred upon him important rights, privileges, and responsibilities. But what else would it have done? Would it have changed his “nationality”? Would it have caused Mei Shiming to feel an affective bond to the United States? Would it have implied that he was no longer Chinese? What difference, in short, would having U.S. citizenship have made? What difference, ultimately, did not having U.S. citizenship make? Questions like these open important territory for anyone interested in the lived experience of modern political membership.

This panel proposes to reconnoiter this timely territory from the perspective of legal history. In the midst of mounting domestic anxieties about “American-ness” (insurgent nativism, immigration-backlash, fear of hostile aliens in our midst), and recent legislative and judicial developments intended to retrench national boundaries (new border controls, new administrative bodies to oversee immigration, new interpretations of the rights of non-citizens), we the organizers see an important occasion for historical interrogation of the typologies of legal personhood in the modern period. Our emphasis is on the United States, but our central concern is with just how that entity (abstract in some senses, not at all abstract in others) has intersected with the lives of particular people, from particular places, at particular times. What has the relationship between citizenship and nationality been at different historical moments? How have the meanings of and relationships between these concepts changed over time? How, for instance, did the nineteenth-century consensus against the desirability of dual citizenship become the late twentieth-century recognition of its advantages? (And how complete was that change?) How have twentieth-century efforts to address the problem of statelessness informed our understanding of the significance and implications of citizenship? How have the international law of nationality and statelessness, and domestic regimes of citizenship, influenced and shaped each other?

These are just some of the questions this panel will explore, through papers addressing the topics of citizenship, nationality, and statelessness in the nineteenth and twentieth centuries. Abstracts follow.

Paper Abstracts

Christina Duffy Burnett, "Citizenship in the Time of Empire: The Non-Citizen National in Constitutional and International Law"

At the turn of the twentieth century, a formal distinction between citizenship and nationality made its way into U.S. law. This legal development was triggered by the denial of U.S. citizenship to the inhabitants of the territories annexed by the United States in 1898: neither aliens nor citizens, they became known as "non-citizen U.S. nationals." At around the same time, writers on international law took up the project of crafting a modern international law of nationality. These writers did not merely hope to develop a particular area of international law; their broader goal was to promote respect for international law itself, and to invest it with authority. To do so, they had to carve out a space subject to the jurisdiction of international law, comprising whatever was not strictly "domestic." In the process, they duly declared that distinct, "domestic" space off-limits to international law. In the context of nationality, this meant that they carefully refrained from questioning domestic rules that created hierarchies of political membership: on the contrary, authorities on international law borrowed the idea of partial political membership, devoid of the full rights of citizenship, from the domestic practices of imperial states, and distilled from it the concept of nationality under international law—a concept designed to capture the bond between the individual and the state at its most essential level (one writer called it "naked nationality"). The cost of carving out a space for international law was thus the uncritical acceptance of practices characterized as "domestic." This paper examines this legitimizing dynamic as it played out in the United States: its own imperial practices contributed to international legal developments, and these developments in turn helped to shape a changing domestic constitutional landscape—in the process giving sanction to imperial practices.

Linda Kerber, Title TBA

In the years of the early Cold War, it was common to link statelessness with dual citizenship as reciprocal evils, a juxtaposition we would not make today, when dual citizenship is often welcomed as a source of strength (giving people options about where they might live, for example). I am at work on an extended study of statelessness as experienced in the United States over the course of its national history, tracking some of the ways in which the meanings of statelessness (and citizenship) have changed over time. For this paper I wish to report the findings of my current research on the understanding of statelessness as it developed in the United Nations in its early years, given expression in the UN Convention on the Status of Refugees (1951) and the UN Convention on the Reduction of Statelessness (1954). The U.S. as a member state participated in the drafting of each of these conventions, as did private citizens, notably Professor Manley O. Hudson of Harvard Law School, in his role as chair of the International Law Commission. The United States signed the first of these conventions but refused to sign the second (despite the leading role played by Hudson). The deliberations—recorded in the summary reports of the UN Commission on the Status of Women (which was concerned about the unstable nationality of married women in many member states), various agencies of ECOSOC, the records of the U.S. Mission to the United Nations, and the International Law Commission itself—should help us understand better concepts of nationality and statelessness as they were evolving under the pressures of the post-World War II years and the early stages of the Cold War.

David Abraham, “Is Citizenship Worthwhile? Membership and Insecurity in America.”

From the 1970s through the 1990s the marginal utility of being a citizen rather than a Permanent Resident seemed to be declining. Naturalization rates were way down; cultural pluralism and then multiculturalism were ascendant; popular political participation waned; and the benefits of citizenship generally seemed to be outweighed by its burdens. After 9/11 and the refinement of governance through security, we have been reminded that citizenship can and does matter. The current Guantánamo cases along with *Padilla*, *Omar*, and *Munaf* remind us of *Harisiades*, *Mezei*, and the like. As the government seeks to undermine constitutional protections in three ways—making it irrelevant who you are, where you are, or whose custody you are in—the benefits of the legal status of the “citizen” seems to be in play. At the same time, we know the importance of citizenship as a mechanism for the defense of rights, perhaps especially minority rights, as the recent Liberty City “terrorism” trial made clear...

Bios/CVs

Linda K. Kerber

2009

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Linda K. Kerber is the May Brodbeck Professor in the Liberal Arts & Sciences, Professor of History and Lecturer in the College of Law at the University of Iowa. She received her A.B. from Barnard College, M.A. from New York University; she received the PhD in history from Columbia University in 1968. She has held visiting appointments at the University of Chicago, Stanford University and Oxford University. She holds a D.H.L. from Grinnell College, 1992 and an Honorary A.M from Oxford University. She was elected to membership in the American Philosophical Society and is a Fellow of the American Academy of Arts and Sciences

Linda K. Kerber served as President of the American Historical Association in 2006; she is also past-president of the Organization of American Historians (1996-97) and of the American Studies Association (1988). In 2006-07 she was Vyvyan Harmsworth Professor of American History at Oxford University. She is an elected member of the Society of American Historians, the American Antiquarian Society, the Massachusetts Historical Society and PEN/American Center.

In her writing and teaching Linda K. Kerber has emphasized the history of citizenship, gender, and authority. "The Stateless as the Citizen's Other: A View from the United States," appeared in the *American Historical Review*, February 2007 and is the foundation of her current research and writing. In another project, "Historians on Trial: Historians' Briefs in Same Sex Marriage Cases," she considers lawyers' and judges' use of historical evidence.

Linda K. Kerber is the author of *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (1998) for which she was awarded the Littleton-Griswold Prize for the best book in U.S. legal history and the Joan Kelley Prize for the best book in women's history (both awarded by the American Historical Association). Her other books include *Toward an Intellectual History of Women* (1997), *Women of the Republic: Intellect and Ideology in Revolutionary America* (1980), and *Federalists in Dissent: Imagery and Ideology in Jeffersonian America* (1970). She is co-editor of *U.S. History As Women's History*, and of the widely used anthology, *Women's America: Refocusing the Past* (6th edition, 2004; Japanese edition, 2001-02).

She has been a fellow of the National Endowment for the Humanities, the Guggenheim Foundation, the National Humanities Center, the Radcliffe Institute for Advanced Study, and a resident scholar of the Rockefeller Study Center at Bellagio. In 1999 she was the first recipient of the Radcliffe College Award for Distinguished Scholarship in the field of Women, Gender and Society. Her awards for teaching include the University of Iowa Graduate College Special Recognition for Mentoring and the Iowa Regents Award for Faculty Excellence. She has served on many editorial boards and advisory committees; currently she serves as an advisory editor to the "Gender and American Culture" series of the University of North Carolina Press, on the editorial boards of *Signs: A Journal of Women in Culture and Society* and *The Journal of Women's History*, and as Chair of the Executive Committee of the Omohundro Institute of Early American History and Culture. Following her interest in strengthening academic and cultural exchange between the United States and Japan – she served between 2001-2006 as member of the Japan-U.S. Friendship Commission and CULCON, a federal agency.

Curriculum Vitae

CHRISTINA DUFFY BURNETT

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CURRENT POSITION Associate Professor of Law, Columbia University

EDUCATION

Princeton University, *Princeton, New Jersey*

Currently doctoral candidate, Department of History

M.A., with Distinction on the General Exams, June 2004

Fields U.S. Legal History; History of International Law; Transnational U.S.

Yale Law School, *New Haven, Connecticut*

Juris Doctor, 1998

Activities 1995-98: Latino Law Students Association (Board member, 1996-97). 1995-96:

Streetlaw (volunteer teaching in public school); Truancy Program (mentoring);

Greenhaven Prison Project (inmate education program).

Cambridge University, *Cambridge, England*

M. Phil., Political Thought and Intellectual History, 1995

Thesis "The American Delegates at the *Cortes de Cádiz*: Citizenship, Sovereignty, Nationhood." Selected for Cambridge University Library collection.

Princeton University, *Princeton, New Jersey*

B.A., Honors, History and Latin American Studies, 1990

PUBLICATIONS

BOOK (EDITED VOLUME)

FOREIGN IN A DOMESTIC SENSE: PUERTO RICO, AMERICAN EXPANSION, AND THE CONSTITUTION (Durham, NC: Duke University Press, 2001). Co-edited the volume and co-authored the introduction (with Burke Marshall).

ARTICLES

A Convenient Constitution? Extraterritoriality after Boumediene, 109:5 COLUMBIA LAW REVIEW (forthcoming June 2009).

"*They Say I Am Not an American*" ...: *The Non-Citizen National and the Law of American Empire*, 48:4 VIRGINIA JOURNAL OF INTERNATIONAL LAW 659 (2008). Article was the subject of a symposium on *Opinio Juris*, the online companion to the VJIL, at <http://opiniojuris.org/tag/vjil-symposium-vol-48-4/>.

Untied States: American Expansion and Territorial Deannexation, 72:3 UNIVERSITY OF CHICAGO LAW REVIEW 797 (2005). Article was cited by the U.S. Supreme Court in *Boumediene v. Bush* (2008).

The Case for Puerto Rican Decolonization, 45 ORBIS: A JOURNAL OF WORLD AFFAIRS 433 (Summer 2001).

ESSAYS, CHAPTERS, REVIEWS

- “Empire and the Transformation of Citizenship,” in Alfred W. McCoy & Francisco A. Scarano, eds., *COLONIAL CRUCIBLE: EMPIRE IN THE MAKING OF THE MODERN AMERICAN STATE* (Madison, WI: University of Wisconsin Press) (forthcoming).
- Two Puerto Rican Senators Stay Home*, 116 *YALE L.J. POCKET PART* 408 (2007), <http://thepocketpart.org/2007/05/19/burnett.html>. Essay was part of a symposium on the pros and cons of obtaining congressional representation for Puerto Rico by simple legislation, at <http://yalelawjournal.org/116/6/tio.html>.
- “None of the Above Means More of the Same: The Elusive Quest for Puerto Rican Self-Determination,” in Frances Negrón Muntaner, ed., *None of the Above: Puerto Ricans in the Global Era* (New York: Palgrave Macmillan, 2007).
- “The Edges of Empire and the Limits of Sovereignty: American Guano Islands,” in Mary Dudziak and Leti Volpp, eds., *Legal Borderlands: Law and the Construction of American Borders*, 57:3 *AMERICAN QUARTERLY* 779 (Special Issue, 2005). Volume was also published as a book by Johns Hopkins University Press, 2006.
- “The Constitution and Deconstitution of the United States,” in Sanford Levinson and Bartholomew Sparrow, eds., *THE LOUISIANA PURCHASE AND AMERICAN EXPANSION, 1803-1898* (Lanham, MD: Rowman & Littlefield, 2005).
- Puerto Rico*, 23 *YALE JOURNAL OF INTERNATIONAL LAW* 561 (Summer 1998). Review of José Trías Monge’s *PUERTO RICO: THE TRIALS OF THE OLDEST COLONY IN THE WORLD* (New Haven: Yale University Press, 1997).

MONOGRAPHS

- The Status of Puerto Rico: Political, Social, and Economic Dimensions* (with Howard Hills) (Working Paper No. 9, Center for International Development, Heller School for Social Policy and Management, Brandeis University, 2002).
- Who’s in Control?: The Courts, the Legislature, and the Public in Colorado’s School Finance Debate* (with Drew Dunphy), *STUDIES IN JUDICIAL REMEDIES AND PUBLIC ENGAGEMENT* (Campaign for Fiscal Equity series), vol. 2(1) (June 1999).

POPULAR PRESS & MISCELLANEOUS PUBLICATIONS

- “Promises, Promises,” *Wall Street Journal*, March 1, 2008, p.A8 (op-ed).
- “Puerto Rico Chooses,” *Christian Science Monitor*, Dec. 11, 1998, p.11 (op-ed).
- “Foreign in a Domestic Sense: Reflections on the Centenary of the United States’ Acquisition of Puerto Rico” (with Damon J. Hemmerdinger), 45:2 *Yale Law Report* 12 (1998).

PRESENTATIONS

- New York University Legal History Colloquium (September 24, 2008). Presented “A Clash of Constitutionalisms: The Conflict over the Platt Amendment, 1900-1901.”
- Constitution Day, Princeton University (September 17, 2008). Commentator on panel entitled “Thomas Jefferson and the Rights of Citizens.”
- Campaigning in the Caribbean: Puerto Rico and the Presidential Primaries*, Nova Southeastern University, sponsored by the Puerto Rican Bar Association of Florida, Fort Lauderdale, Florida (May 31, 2008). Panelist.
- Hispanic National Bar Association Annual Convention, San Juan, PR (October 3-7, 2007). Speaker on panel entitled “Political Status of Puerto Rico from a Legal Standpoint.”
- Inter-American Dialogue, Washington, D.C. (June 11, 2007). Speaker on panel on Puerto Rico’s status.
- Colonial Law Seminar, Empires Project, University of Wisconsin, Madison (March 16, 2007). Presented paper, “Empire and the Transformation of Citizenship” (via teleconference).

American Colonialism: Citizenship, Membership, and the Insular Cases, University of Virginia (March 28, 2007). Speaker on panel.

Law and Political Development in America, Legal History Consortium Conference, University of Pennsylvania (February 23, 2007). Presented paper, “The Constitutionalization of the Subject: Citizens, Nationals, and American Empire,” on “Borders and Barriers” panel.

Center for International History, Columbia University (March 3, 2006). Presented paper, “The Legalist Origins of an Extralegal Space: The Platt Amendment, Guantánamo, and International Law in the Americas.”

Legal Borderlands: Law and the Construction of American Borders (Symposium), Hart Institute for American History, Pomona College (September 10-11, 2004). Contributed paper, “The Edges of Empire and the Limits of Sovereignty: American Guano Islands” (read by Leti Volpp).

American Society for Legal History, Annual Conference, Washington, D.C. (November 13-16, 2003). Presented paper, “The Edges of Empire and the Limits of Sovereignty: Guano Islands, 1856-1890,” on “New Histories of International Law” panel.

International Law Perspectives on the Right to Vote and Political Democracy in America, The Library of Congress, Washington, D.C. (March 20, 2003). Speaker on panel entitled “Bringing it Home: Strategies to Bring International Law to Bear on Domestic Electoral Reform.”

The Louisiana Purchase and American Expansion: Bicentennial Symposium, University of Texas at Austin School of Law (Feb. 20-22, 2003). Presented paper, “Untied States: The Idea of Secession and the Law of American Imperialism.”

National Conference of Administrative Law Judges, San Juan, Puerto Rico (October 21-24, 2002). Panelist; offered overview of legal and constitutional issues relating to the status of Puerto Rico.

Second Circuit Federal Bar Council Winter Bench & Bar Conference, Río Grande, Puerto Rico (Feb. 16-23, 2002). Panelist; offered overview of legal and constitutional issues relating to the status of Puerto Rico.

Running the Race: Latino Political Power in the New Millennium, Boalt Hall School of Law (March 4, 2000). Presented paper, “Citizenship without Representation.”

American Society for Legal History, Annual Conference, Princeton, New Jersey (Oct. 19-21, 2000). Presented paper, “The Doctrine of Territorial Incorporation as a Constitutional Theory of Secession,” on “The Constitutional Significance of American Expansion” panel.

Bastards of Imperialism: Identity, Nation, and Citizenship in the Wake of Spanish and U.S. Expansions, Stanford University (Apr. 30-May 2, 1998). Presented paper, “The American Delegates at the *Cortes*: Citizenship, Sovereignty, Nationhood.”

ACADEMIC ACTIVITIES

Conceived of and organized a three-day conference entitled “*Foreign in a Domestic Sense*”: *Reflections on the Centenary of the United States’ Acquisition of Puerto Rico* (Yale Law School, co-sponsored by University of Puerto Rico School of Law, March 27-29, 1998). International conference, \$40,000 budget, five panels, four plenary sessions, round-table discussion, twenty-five speakers, over 325 participants, extensive press coverage.

Conceived of and organized a semester-long course entitled *U.S. Territories Speaker Series and Study Group* (Yale Law School, Spring 1998). Identified and hosted guest speakers, compiled readings, led final seminar discussions. Speakers addressed topics ranging from alternative sovereignty arrangements for U.S. territories, to the citizenship status of residents of U.S. territories, to civil and common law traditions in Puerto Rico. Course listed for credit, 61 students registered.

Co-founded and directed the Legislative Advocacy Clinic in the Jerome N. Frank Legal Services Organization (LSO) at Yale Law School. Group monitored activity in the Connecticut State Legislature on issues of interest to LSO clients; testified at legislative hearings; disseminated information on pending bills; collaborated with local non-profit organizations on advocacy efforts.

WORK EXPERIENCE

United States Supreme Court, *Washington, D.C.* (July 2004-July 2005)

Law clerk. Served as a law clerk in the chambers of Justice Stephen G. Breyer for the October 2004 Term.

Program in Law & Public Affairs, Princeton University, *Princeton, New Jersey* (2001-2002)

Visiting Scholar. Worked on two projects: the relationship between secession and imperialism in the United States; and the early federal court in Puerto Rico.

U.S. Court of Appeals, Second Circuit, *New Haven, Connecticut* (June 2000-June 2001)

Law clerk. Served as a law clerk in the chambers of the Honorable José A. Cabranes for the August 2000 Term.

Citizens' Educational Foundation, *New York, New York* (April 1999-March 2000)

Project Director. Opened office and headed mainland operations of Puerto Rico-based nonprofit organization that promoted self-determination for Puerto Rico. Work primarily involved meeting with Senators, Representatives, White House officials, political leaders, editorial boards, and citizen groups across the country to discuss Puerto Rico's political status and seek support for self-determination legislation.

Public Defender Service for the District of Columbia, *Washington, D.C.* (Summer 1997)

Law student intern. Researched and wrote legal memoranda and assisted attorneys in all phases of trial preparation and trial.

Citizens for CT's Children & Youth, *New Haven, Connecticut* (Summer 1996-Spring 1997)

Law student intern. Participated in grassroots organizing and lobbying efforts relating to state legislation on welfare reform and subsidized guardianship.

Campaign for Fiscal Equity, *New York, New York* (Summer 1996)

Law student intern. Assisted in preparation for trial in class action lawsuit challenging the effects of state school funding formula on New York City public schools.

ACTIVITIES AND MEMBERSHIPS

Council on Foreign Relations: Term Member (2001-2006).

Oklahoma Bar Association and American Bar Association: Member (1999-present).

Board of Directors, Wally Cardona Quartet (New York City-based contemporary dance company): Member (1997-2007); President (1997-2001 and 2002-2004).

Performer, choreographer, and/or Artistic Director in dance companies for over two decades, including: Choreographer, Connecticut Choreographers' Showcase, Educational Center for the Arts (New Haven, Connecticut, Spring 1997); Co-founder and Artistic Director, King's Contemporary Dance Project (Cambridge, England, 1994-1995); Corps member, Ballets de San Juan (San Juan, Puerto Rico, 1982-1986). Was awarded the F. LeMoyné Page Award for Excellence in Choreography at Princeton University upon graduation (June 1990).

LANGUAGES

Native speaker of both English and Spanish. Proficient in French.

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PERSONAL DATA:

Born: Antwerp, Belgium November 9, 1946 U.S. Citizenship

EDUCATION:

University of Pennsylvania Law School, Philadelphia, PA, 1986-89.
J.D., May 1989, with M.H. Goldstein Memorial Prize in Labor Law.
Editor, University of Pennsylvania Law Review, 1988-89.

University of Chicago, Chicago, IL 1964-68, 1971-77.
Ph.D., Department of History, August 1977, with Honors.
M.A., History, June 1972, with Honors.
B.A., General Studies in the Social Sciences, 1968.

Universität Trier and Universität Köln, West Germany, affiliation 1974-76.

Hebrew University, Jerusalem, Israel, Departments of History and Politics, 1970-71.

PROFESSIONAL EMPLOYMENT:

Professor, School of Law, University of Miami, June 1996-

Associate Professor, School of Law, University of Miami, 1992-96

Judicial Clerk, Judge Leonard Garth, United States Court of Appeals for the Third Circuit,
August 1989-August 1990.

Associate: Simpson Thacher & Bartlett, Summer 1989 and October 1990-January 1992
Shearman & Sterling, New York, Summer 1988

Assistant Professor, Department of History, Princeton University, 1977-85.

Visiting Associate Professor, New School for Social Research, 1985-87.

Guest Professor, Internationales Zentrum, Universität Tübingen, Germany, July 1994.

Guest Professor, Deakin University, Melbourne , Australia, March-April 1998.

Guest Lecturer, École des Hautes Études en Sciences Sociales/CNRS, Paris, April 2000.

Guest Professor, Transitional Justice Institute, University of Ulster, Belfast, July-Aug 2006

Guest Lecturer, Tel Aviv University Interdisciplinary Graduate Seminar, Ramat Aviv,
Dec 2007-Jan 2008

BAR MEMBERSHIPS AND ADMISSIONS:

New York, New Jersey; SDNY, EDNY, D NJ, 3d Circuit, 10th Circuit.

AWARDS AND GRANTS:

Fellow, American Academy in Berlin, Spring 2010, Research and Writing Fellow
Silberman Seminar for Law Faculty Fellow: The Impact and Legacy of the Holocaust on
the Law, June 2007, Washington, United States Holocaust Memorial Museum.

Richard Hausler, UM Law "Golden Apple" Teacher of the Year Award, 2003-04.

Fellow, Rutgers Center for the Critical Analysis of Contemporary Culture, Fall 2003.

Visiting Fellow, Princeton University, Department of History, Fall 2003.

Shelby Cullom Davis Center Fellow, Princeton University, 2001-02.

Elected Fellow, EHSS/Centre National de Recherche Scientifique, Spring 2000.

Deakin-Australia Research and Travel Fellow, Spring 1998.

Max-Kade-Stiftung (Foundation) Research and Travel Grant, Summer 1994.

Honorary Fellow, Shelby Cullom Davis Center, Princeton University, Fall 1992.

M.H. Goldstein Memorial Prize, University of Pennsylvania Law School, best work in
labor law, May 1989.

Alexander von Humboldt Foundation, Research Fellowship, 1982, 1985, affiliation with
Free University Berlin and Bielefeld University.

NEH Travel to Archives Grant, Summer 1984.

NEH Independent Study and Research Fellowship, January-June 1982.

Princeton University, David Rike Bicentennial Preceptorship, 1980-83.

Deutscher Akademischer Austauschdienst (DAAD) Short Term Research Grant, 1980.

American Council of Learned Societies, Grant-in-Aid for Recent Recipients of the Ph.D.,
June 1979.

DAAD Award Research Grants, 1974-75 and 1975-76.

Fulbright Grant, Spring 1974.

TEACHING:

University of Miami School of Law:

Labor and Employment Law

Property Law

Elements of the Law

Immigration Law

Citizenship and Membership

Comparative Law/Europe/EEC

Jurisprudence and Political Theory

Transition to Capitalism and Democracy

in Central and Eastern Europe

Reparations and Historical Restitution

Princeton University and New School for Social Research, 1977-87:

Europe since 1945	Social Theory & Historical Analysis
Europe 1860-1914	Society and Politics in Europe 1789-1914
Europe in the 20th Century	Preceptorials
European Fascism	Political Economy of Europe, 1900-
Experience & Theories of Fascism	
Graduate Introduction to Research	
Intellectual History of 19th Century	
Politics & Society in Germany since 1815	

PUBLICATIONS:

articles, essays and chapters:

“Doing Justice on Two Fronts: The Liberal Dilemma in Immigration,” *Ethnic and Racial Studies* (forthcoming 2009).

“The Bush Regime from Elections to Detentions: A Moral Economy of Carl Schmitt and Human Rights,” 62 *University of Miami Law Review* 249 (2008).

“Constitutional patriotism, citizenship, and belonging,” 6 *I Con International Journal of Constitutional Law* 137 (2008).

“Doing Justice on Two Fronts: The Liberal Dilemma in Immigration,” SSRN Working paper, <http://www.ssrn.com/abstract=1005448> , Sept. 2008.

“Immigration Reform and Policy in the Current Politically Polarized Climate,” 16 *Temple Political and Civil Rights Law Review* 457(2007).

"The Boundaries and Bonds of Citizenship: Recognition and Redistribution in the United States, Germany and Israel," in Anthony Grafton and Marc Rodriguez, ed, *Migration in History* (Rochester-Princeton 2007), pp. 201-49.

"After Ethnicity and ‘Constitutional Patriotism’: Searching for a Capacious German Membership ,” in Joaquin Roy ed. *Toward the Completion of Europe* (Miami 2006), pp. 88-100.

"*Wie Weimar: Die Deutsche Wahl*,” *Die Zeit*, 38/2005 (Hamburg), Sept. 20, 2005, http://www.zeit.de/text/online/2005/38/wahl_abraham (trans. into Polish: *Forum*, Oct 2005)

"Solidarity and Particularity: E Pluribus Unum"?, 6 *Hagar: Studies in Culture, Polity and Identities* 147 (Beersheva 2005)

- "American Jobs But Not the American Dream," *New York Times* (op ed), Jan. 9, 2004, p. A19.
- "Citizenship Solidarity and Rights Individualism: On the Decline of Citizenship in the U.S., Germany, and Israel," Working Paper #53, Center for Comparative Immigration Studies, UC-San Diego (2002)
- "Is a Communist Father Still a Worthy Father? INS Discretion and Asylum Politics," 95 *American Journal of International Law* 204 (2001)
- "The Good of Banality? The Emergence of Cost-Benefit Analysis and Proportionality in the Treatment of Aliens in the U.S. and Germany," 5 *Citizenship Studies* 237 (2000)
- "Dealing with Histories of Oppression: Hannah Arendt's Eichmann and William Styron's Nat Turner. Histories of Oppression, Subject Positionality and Cultural Capital," 2 *Rutgers Race and Law Review* 87 (2000)
- "The Merits and Limits of Historical Adjudication and Government Inquiries," 18 *Law and History Review* 607 (2000)
- "Immigration, Labor Markets, and Social Inequality: A Comment," 30 *University of Miami Inter-American Law Review* 605 (1999).
- "Analisi costi/benefici e proporzionalità nel trattamento degli stranieri negli Stati Uniti e in Germania," 5 *Acoma: Rivista Internazionale di Studi Nordamericani* 13 (1998)
- "Libertà senza uguaglianza: il legame tra diritti", 22 *Alterazioni* 93 (1997) (Italian adaptation and translation of "Liberty without Equality; The Property-Rights Connection...")
- "The Duality of State and Society in German Constitutionalism," 4 *Cardozo Journal of International and Comparative Law* 345 (1996).
- "Liberty without Equality: The Property-Rights Connection in a Negative Citizenship Regime," 21 *Law & Social Inquiry* 1 (1996).
- "Persistent Facts and Compelling Norms: Liberal Capitalism, Democratic Socialism and the Law," 28 *Law & Society Review* 939 (1994).
- "Liberty and Property: Lord Bramwell and the Political Economy of Liberal Jurisprudence: Individualism, Freedom, and Utility," 38 *American Journal of Legal History* 288 (1994).
- "Are Rights the Right Thing?" review essay, 25 *Connecticut Law Review* 947 (1993).

- "Individual Autonomy and Collective Empowerment in Labor Law: Union Membership Resignations and Strikebreaking in the New Economy," 63 *New York University Law Review* 1268 (1988/89).
- "State and Classes in Weimar Germany," chapter in M. Dobkowski & I. Wallimann, eds., *Perspectives on the Rise of Fascism in Germany, 1919-1945*, (New York: Monthly Review, 1989), pp. 21-68.
- "Big Business, Nazis and German Politics at the End of Weimar," review essay, *European History Quarterly* 17(1987): 235-47.
- "The Collapse of Weimar," in Charles Maier and Stanley Hoffman, eds., *The Rise of the Nazi Regime, 1929-1936* (Harvard Univ./Westview, 1986), pp. 1-9, passim.
- "Labor's Way: The Successes and Limits of Socialist Politics in Germany since 1914," *International Labor and Working Class History* 28(1985): 1-24.
- "Business Wars: On Recent Contributions to Weimar Scholarship," *Vierteljahrschrift für Sozial-und Wirtschaftsgeschichte* 72(1985):329-52.
- "'The Collapse of the Weimar Republic': A Debate," *Central European History* 17(1984): 178-244; 268-90.
- "Klassenkompromiss und Wiederkehr des Klassenkonfliktes: Deutsche Unternehmer und Arbeiterschaft, " 1925-33, *Prokla* 13:52 (1983), pp. 41-78.
- "German Labor from Socialist Ghetto to Keynesian Cul-de-Sac," *New German Critique* 28
- "A Reply," *American Historical Review* 88 (1983):1145-1149.
- "'Economic Democracy' as a Labor Alternative to the 'Growth Strategy' in Weimar Germany," chapter in A. Markovits, ed., *The Political Economy of West Germany* (Praeger, 1982), pp. 116-140.
- "Corporatist Compromise or Masked Conflict? Labor-Capital Relations and the Collapse of the Weimar Republic," *Political Power and Social Theory* 2 (1981):59-109.
- "Conflicts within German Industry and the Collapse of the Weimar Republic," *Past and Present* 83 (1980):88-128.
- "Constituting Hegemony: Bourgeois Crisis of the Weimar Republic," *Journal of Modern History* 51 (1979): 417-450.

"Nazism and the Working Class," *Radical History Review* 18 (1978):161-165.

"State and Classes in Weimar Germany," *Politics & Society* 7 (1977): 229-266.

book:

The Collapse of the Weimar Republic: Political Economy and Crisis (Princeton: Princeton University Press, 1981), xvi + 366 pp.; 2nd ed. (New York and London: Holmes & Meier, 1986), liv + 355 pp.

Der Zusammenbruch der Weimarer Republik: Politische Ökonomie und Krise (Münster: Westfälisches Dampfboot Verlag) (German translation of *Collapse of the Weimar Republic*)(forthcoming).

book reviews:

Selecting by Origin: Ethnic Migration in the Liberal State. by Christian Joppke. 79 *Journal of Modern History* 658 (2007).

Two Cultures of Rights: The Quest for Inclusion and Participation in Modern America and Germany. Eds. Manfred Berg and Martin Geyer, *H-German Online* (July 28, 2006).

Challenging Ethnic Citizenship: German and Israeli Perspectives on Immigration. Eds. Daniel Levy and Yfaat Weiss, 38 *International Migration Review* 1258 (2004)

"Liberalism, Democracy, and Anti-Semitism," *German Politics & Society* (review essay) (2004)

From General Estate to Special Interest: German Lawyers 1878-1933. by Kenneth Ledford. 105 *American Historical Review* 1411 (2000)

The Rule of Law under Siege: Essays of Franz Neumann and Otto Kirchheimer. ed. by William Scheuerman. 26 *Contemporary Sociology* 652-3 (1997).

Habermas and the Public Sphere. ed. by Craig Calhoun. 17 *German Studies Review* 613 (1994).

The Americanization of West German Industry, 1945-1973. by Volker Berghahn. 95 *American Historical Review* 535-6 (1990).

Beating the Fascists? The German Communists and Political Violence. by Eve Rosenhaft. *New German Critique* 38 (1987):184-87.

The Nazi Economic Recovery, 1932-1938. by R. J. Overy. *Journal of Economic History* 44(1985): 986-87.

Die politische Polizei zwischen Demokratie und Diktatur. by Christoph Graf. *American Historical Review* 89 (1984): 467-68.

Grossindustrie, Staat und NSDAP, 1930-1933. by Reinhard Neebe. *American Historical Review* 87 (1982):1414-15.

The Holocaust: Ideology, Bureaucracy, and Genocide. ed. by Henry Friedlander. *Journal of Interdisciplinary History* 13 (1983): 152-54.

Deutsche Wirtschafts- und Sozialpolitik, 1815-1945. by Volker Hentschel. *Journal of Economic History* 41 (1981):677, 678.

Sozialgeschichte der Weimarer Republik. by Thomas Trumpp and Renate Kohne. *Journal of Modern History* 53:2 (1981): 365-8.

The Plough and the Swastika: The Nazis and Agriculture, 1928-45. by J. E. Farquharson. *Journal of Modern History* 51 (1979): 189-191.

SELECTED CONFERENCE AND INVITED PRESENTATIONS:

Roundtable Participant, Conference on Constitutional Law and Carl Schmitt, Program in Law and Public Affairs, Princeton University, December 13, 2008.

Chair and Organizer, "AlejandroPortes and Immigration Studies," International Conference on Race, Ethnicity, and Place, Miami, November 7, 2008.

"Doing Justice on Two Fronts: The Liberal Dilemma in Immigration," Conference on Migrants and Migration," Miami, November 1, 2008.

"Hard on the Outside, Hard on the Inside Too: The Friend/Enemy Distinction Comes Home," Social Science History Association, Miami, October 25, 2008.

Commentator, "When Rights Became Human: The Emergence of Collective Selfhood," Social Science History Association, Miami, October 25, 2008.

"What Happened to the Law of Conquest? From *Johnson v M'Intosh* to Post-Zionism," Law and Society Conference, Montreal, May 31, 2008.

"Race, Immigration, and Integration," Biannual Conference of Immigration Law Professors, Miami, May 3, 2008 (also local arrangements Chair).

Discussant, "Immigration, Citizenship, Integration: Where Does Europe Stand?" Council on European Studies Conference, Chicago, March 6, 2008

"Forms of Democratic Citizenship in Times of War," Conference on Citizenship in Times of War, Tel Aviv University, Ramat Aviv, December 29, 2007.

"What's Progressive and What's Reactionary in Immigration Law," Amnesty International, Southern Regional Meetings, Miami, October 21, 2007.

"The Bush Regime: A Moral Economy of Carl Schmitt and Human Rights," Law and Society Association Meetings, Berlin, July 28, 2007.

"Roundtable, "The Social Problematique of the Europeanization Process: What Is Left?" Law and Society Association Meetings, Berlin, July 26, 2007.

Roundtable, "Labor, Migration, and Social Welfare," Law and Society Association Meetings, Berlin, July 25, 2007.

"The Mixed Legacy of Holocaust Consciousness for Human Rights Law," United States Holocaust Memorial Museum, Washington, June 8, 2007.

"Doing Justice on Two Fronts: The Liberal Dilemma in Immigration," Conference on 'A World of Legal Conflicts: Multiple Norms in the International System,' Program in Law and Public Affairs, Princeton University, May 31, 2007.

"US Immigration Law: Fundamental Principles and Mechanisms –A Perspective for Germany and the EU," Faculty of Law, Marburg University, May 21, 2007.

"The Welfare State in a Transnational Economy," Symposium on the Future of the Welfare State, University of Texas, Austin, February 2, 2007.

"The Bush Years and the Years after 1932," Symposium on America under the Bush Administration, Institute for Contemporary History-University of Vienna and Kunsthalle Wien, Vienna, October 24, 2006.

"Assessing the Economic Ramifications of Immigration," Annual Symposium, Temple University School of Law, Temple Political and Civil Rights Law Review, Philadelphia, October 14, 2006.

"The Boundaries and Bonds of Citizenship: Germany, Israel, and the U.S.," Transitional Justice Institute, University of Ulster, Belfast, July 31, 2006.

Discussant, "Current Trends in Immigration Scholarship," Biannual Immigration Law

Professors Meetings, Las Vegas, May 7, 2006.

“Constitutional Patriotism: Citizenship and Belonging,” Constitutional Patriotism Workshop, Program in Law and Public Affairs, Princeton University, April 8, 2006.

“Why *Did* Elian Gonzales Come to America?” 40 Years of the Cuban Adjustment Act, Annual Symposium, University of Miami Inter American Law Review, Miami, April 6, 2006.

Discussant, “Migration and Reception in Industrial Societies Today”, Law & Society Association, Las Vegas, June 11, 2005.

Discussant, “Between Legality and Legitimacy: State Power in an Era of Naked ‘Staatlichkeit,’ Symposium in Honor of Ulrich K Preuß, Berlin, April 16, 2005.

“Governance and Sovereignty in Immigration Law,” Conference on “An Immigration Policy for Europe?” European University Institute, Florence, March 14, 2005.

Chair, “Comparative Perspectives on the Evolution of Corporate Governance,” American Society for Legal History, Austin, October 29, 2004.

Panelist, “Where Does Left Legal History Stand Today,” Conference on Empire, Human Rights, and Transnational Contexts, Austin, October 28, 2004.

“Citizenship and Migration in Germany and Europe,” Keynote Address, German History Workshop, Center for German and European Studies, Minneapolis, October 22, 2004.

Commentator, “Cultural Diversity and Economic Solidarity in the EU and Beyond,” EU Income Study, Bourlinger, Luxemburg, June 14, 2004.

“From Popular Sovereignty to Governmentality: Citizens and Subjects,” Immigration Law Professors Conference, Baltimore, May 26, 2004.

“Immigration and Labor Solidarity Revisited,” INTELL, International Labor Law Conference, Kyoto, Japan, March 28, 2004.

“The Boundaries and Bonds of Citizenship in the U.S., Germany, and Israel,” Rutgers University, CCACC, New Brunswick, Oct. 16, 2003.

“Citizenship Solidarity and Rights Individualism in Europe and America,” German Political Science Association, Mainz, Germany, Sept. 24, 2003.

“On the Decline of National Citizenship in the U.S., Germany, and Israel,” Institute for the

Social Sciences, Humboldt University, Berlin, May 27, 2003.

"Solidarity and Multiplicity," International Conference on Cultural Diversity and Economic Solidarity, Brussels, Belgium, March 1, 2003.

Commentator, "Australian Citizenship: The Least Dangerous Settler Society," Princeton University, Davis Center for Historical Research, Jan. 10, 2003.

"Diversity, Group Rights and Citizenship," Hubert Humprehey Center, Ben Gurion University, Beersheva, Israel, Dec. 8, 2002.

"Citizenship Solidarity and Rights Individualism: Neoliberal Citizenship in the U.S., Germany, and Israel," Van Leer Institute Lecture, Jerusalem, Dec.6, 2002.

"A Comparative Legal Sociology of Citizenship," Tel Aviv University, Dec. 5, 2002.

"The Disappearance of Class from American Immigration Law," Conference on the Disappearance of Class from American Law, University of Pennsylvania School of Law, Philadelphia, Nov. 15, 2002

Commentator, "Labor and the Dilemmas of Immigration," INTEL International Labor Law Conference, Catania, Italy, July 3, 2002

"Citizenship Solidarity and Rights Individualism: Neoliberal Citizenship in the U.S., Germany, and Israel," Center for Comparative Immigration Studies, University of California, San Diego, May 5, 2002.

Commentator, "Labor, Migration, Assimilation, and Multiculturalism," Davis Center Conference on European Migration, Princeton, May 3, 2002.

Commentator, "Recent Developments in German Law," Conference of Europeanists, Chicago, March 15, 2002.

Chair, "Community and Citizenship in France and Canada," Canadian Studies Conference, Princeton, March 8, 2002.

"The Dynamics and Lessons (if Any) of the Holocaust," lecture, City University of New York, Graduate Center, March 7, 2002.

"Citizenship Solidarity and Rights Individualism in Neo-Liberal Societies," paper, Davis Center for Historical Studies, Princeton, March 1, 2002.

"Declining Differences: Aliens and Citizens in the U.S. and Germany," Georgetown University Law School, Constitutional Law Confab, Nov. 30, 2001.

"Military Tribunals, Aliens, Terrorism, and Equal Protection Doctrine," Lecture, Center for Law and Public Affairs, Princeton University, Nov. 14, 2001.

Commentator, "Refugees and Immigrants in Interwar Europe," Davis Center for Historical Studies, Princeton, Nov. 9, 2001.

Commentator, "The Changing Face of Immigration Law," Budapest, Law and Society Conference, July 2001.

Co-organizer and Lecturer, University of Miami-Leipzig University, Contemporary Legal Issues: U.S.-Germany, May 2001.

"Alienage and Citizenship in Germany," Lecture, U.S. Consulate-General, Leipzig, May 2001.

"Germany and the U.S. as Ethnic Nations," International Conference on Migration and Magnet Societies, Loccum-Hannover, Germany, June 16, 2000.

"The Declining Significance of Citizenship: Germany and the U.S.," École des Hautes Études en Sciences Sociales, Paris, May 12, 2000.

"Negative Citizenship, or Why is There Such Weak Welfare State Law in America?," École des Hautes Études en Sciences Sociales, Paris, May 5, 2000.

"La Citoyenneté, Modes d'accès, modes de pertes: Réflexions sur la naturalisation et l'expatriation de l'Ancien Régime à nos jours (France, Etats-Unis, Allemagne)," École des Hautes Études en Sciences Sociales, Paris, May 2, 2000.

Commentator, "Immigration and Assimilation in the 20th Century," Davis Center for Historical Studies, Princeton University, April 14, 2000.

"Refugee and Immigration Law in the New Millennium," Conference on Immigration Law, Southern Illinois University School of Law, Carbondale, IL, April 3, 2000.

Chair-Commentator, "Immigration and Social Transformation," Conference on Law, Culture and the Humanities, Washington DC, March 11, 2000.

"Looking Forward, Moving Backward: The Ambiguous Virtues of Reparations," International Conference on Politics and the Past: On Repairing Historical Injustices, Vancouver, February 26, 2000.

- “The Declining Significance of Citizenship: Germany, the U.S., and Israel,” University of British Columbia Institute for Advanced Studies, Vancouver, February 25, 2000.
- “The Declining Significance of Citizenship: Germany and the U.S.,” York University Faculty Symposium, Toronto, January 17, 2000.
- Commentator, "Reparations and Class Actions: Law and Historical Justice," Social Science History Association, Ft. Worth, November 12, 1999.
- "Immigration: Winners and Losers, Diversity and Solidarity," Sawyer Program in Latin American Studies Roundtable, Princeton University, October 8, 1999.
- "Difference and Equality: Florida Immigration Issues," Leadership Florida Seminar, Miami, May 14, 1999.
- "What We and the Germans Lose and Gain in Facilitating Citizenship and Membership: Some Recent Trends," Faculty Seminar, Rutgers University School of Law, Camden, April 12, 1999.
- Commentator, "A New Corporatism and New Democracies: Labor-Capital-State Relations in Post-Communist Eastern Europe," International Labor Law Association, Capetown, South Africa, March 19, 1999.
- Participant, "Working Group on 1933," Alexander v. Humboldt Foundation Conference, Turning Points in German History, Bamberg, Germany, March 15, 1999.
- Chair-Commentator, "The Economic Implications of Immigration Reform," *Inter-American Law Review* Conference Symposium, Miami, January 29, 1999.
- Participant, "The Future of Immigration Law," Immigration Law Professors' Conference, Berkeley, June 28-30, 1998.
- "The Good of Banality? The Emergence of Cost-Benefit Analysis and Proportionality in the Treatment of Aliens in the U.S. and Germany," Deakin University, Melbourne, Australia, March 3, 1998.
- "From Redistribution to Recognition: Transformation in the American Welfare State?" University of Melbourne, Melbourne, Australia, February 26, 1998.
- Chair-Commentator, "Passports, Identification, and Belonging," American Historical Association, Seattle, January 10, 1998.

Participant, Biennial Constitutional Law Select Conference, Georgetown Law School, December 8, 1997.

Chair-Commentator, "Labor and the Welfare State," Society for Socio-Economic Studies, Montreal, July 5, 1997.

"Dealing with Histories of Oppression: Arendt's *Eichmann in Jerusalem* and Styron's *Nat Turner*," Einstein Forum, Berlin/Potsdam, June 21, 1997.

Chair, New Approaches to International Law: Labor Rights, NAIL Conference, Harvard Law School, Cambridge, May 21, 1997.

"Recognition and Redistribution in American Citizenship: Equal Protection and Welfare," ACOMA American Studies Conference, Bergamo, Italy, March 20, 1997.

"The Meaning of Social Citizenship in the U.S.," International Symposium on Social Citizenship and Social Work, Bielefeld, Germany, March 14, 1997.

Participant, Sloane Foundation Symposium on International Corporate Governance, Columbia University Law School, November 7, 1996.

Chair-Commentator, "The Future of Labor Law," National Teach-In on Labor, Columbia University New York, October 11, 1996.

"The Evolution of Citizenship in a Negative Liberty Regime," German Historical Institute International Conference on Republicanism and Liberalism in the United States and Germany, Madison, October 4-5, 1996.

Commentator, "Employment Security as a Strategic Perspective on Labor Regimes," Law and Society Association, Glasgow, Scotland, July 12, 1996.

Participant, Roundtable on "Societies, Citizenship, Borders and the Decomposition of Democratic Rights," Law and Society Association, Glasgow, Scotland, July 11, 1996.

Chair-Commentator, "Political Role of the Courts," International Research Committee on Comparative Judicial Studies, Jerusalem, Israel, July 2, 1996.

Participant, Working Group on Regulatory Harmonization and Labor Standards, Conference on "New Approaches to International Law," Madison, Wisconsin, June 14-16, 1996.

"Germans and the Holocaust," roundtable panel discussion, SWF/SFB German Radio National Network, May 8, 1996.

Commentator, "Citizenship in the EEC and Global Worlds," Conference on European Studies, Chicago, March 15, 1996

"Legal Impediments to Social Welfare Rights in the United States," Sociology and Political Science Colloquium, Humboldt University, Berlin, February 6, 1996.

"Citizenship Rights' from T.H. Marshall to the 'New Global Order,'" Center for European Legal Policy, Bremen University, February 3, 1996.

"Why Is There No *Sozialstaat* in the United States? Legal and Juridical Perspectives," Social Sciences Workshop, Bielefeld University, January 30, 1996.

"State and Society in American and German Constitutionalism," American Historical Association, Atlanta, January 5, 1996.

"The Concept of Citizenship Rights in the Declining Welfare State," International Seminar in Law, Sociology, and the Contemporary State, University of Milan (Italy), December 13, 1995.

"Property and the Law of Rights in American State and Society," Hebrew University Seminar in Law, Jurisprudence and Political Science, Jerusalem, December, 1995.

Moderator, "Left and Right Across Two Centuries," Fest-Symposium for Arno J. Mayer, Princeton University, Princeton, November 4, 1995.

Participant, German Academic Exchange Service-Harvard Center for European Studies, select conference, "United Germany in a United Europe," Cambridge, October 27-28, 1995.

Chair-Commentator, "The American Constitution in the New Eastern Europe," Law & Society Association, Toronto, June 9, 1995.

"Problems in the Juridification of Labor Relations," Center for Interdisciplinary Research, Bielefeld University (Germany), April 24, 1995.

"Has Identity Politics Hurt Class Interests?" Conference of Critical Legal Studies, Washington, DC, March 10, 1995.

Commentator, "The Rise and Fall of Collective Bargaining Law in the United States," Shelby Cullom Davis Center for Historical Studies, Princeton University, November 13, 1994.

"Citizenship, Individualism, Property and Rights," Conference on "The Good Polity

Today," University of Pennsylvania, Philadelphia, November 5, 1994.

Commentator, "Is Class Still a Subject? International Comparisons," International and Comparative Labor History Conference, Wayne State University, Michigan, October 27, 1994.

Participant, Inaugural Conference on the Holocaust and Holocaust Research, Holocaust Museum, Washington, December 5-8, 1993.

"American Versus German Constitutional Conceptions of Liberty," Georgetown Law Center Conference on Comparative Constitutional Law, Washington, December 4, 1993.

Commentator, "Haunting Memories and Present Fears: Politics and Remembrance in Central Europe," German Studies Association, Washington, October 8, 1993.

Chair-Commentator, "Writing and Culture," Center for the Study of Social Theory Comparative Study of Social Transformations, University of Michigan, Ann Arbor, October 1, 1993.

"Negative Liberty and Its Travails," AALS Conference on Constitutional Law, Ann Arbor, June 14, 1993.

Chair-Commentator, "The Subject of Power," Law and Society Association, Chicago, May 30, 1993.

"Property and Liberty: Baron Bramwell and the Political Economy of Individualism, Freedom, and Utility," Law and Society Association, Chicago, May 27, 1993.

"Property and Rights in American Law: *San Antonio v. Rodriguez* and *Deshaney*," University of Miami, School of Law, Faculty Workshop, April 13, 1993.

"Liberty without Equality: Property and Rights," Davis Center for Historical Studies, Princeton University, Fellow's Presentation, January 15, 1993.

"American versus German Constitutional Conceptions of Liberty," Comparative Politics Seminar, Univ. of California, Santa Cruz, January 6, 1993.

"Liberty without Equality: Property and Rights," Faculty Colloquium, Rutgers University School of Law (Newark), October 29, 1992.

"American Anti-Trust Conceptions and the Coming of Mass Consumption to Europe," International Conference on Americanism and Mass Consumption, Rutgers University, New Brunswick, April 25, 1992.

"When Negativity Won't Pull You Through': Negative, Property-Based Rights and Their Limitations," Legal Studies Center, University of Wisconsin School of Law, Madison, April 17, 1992.

Commentator, "Labor Zionism, Arab Workers and the Deconstruction of Good Intentions," Shelby Cullom Davis Center for Historical Studies, Princeton University, December 6, 1991.

Commentator, "The Prospects for America in a United and 'Open' Europe, Conference on European Studies, Washington, March 17, 1990.

Commentator, "Individual Rights and Collective Impoverishment: Law and the American Welfare System," Mellon Seminar on Work, Welfare, and the Law, University of Pennsylvania, December 1, 1988.

Roundtable Panelist, "International Conference on Reevaluating the Third Reich: Interpretations and Debates," University of Pennsylvania, Philadelphia, April 10, 1988.

"The 'Historikerstreit' and German History in Transformation," Symposium on Contemporary Germany, University of Texas, Austin, February 20, 1988.

"Amalakites and Academic Controversies, or the Bitburgization of German History," Political Science and State Seminar, Columbia University, January 28, 1988.

"The Reconstruction of Knowledge in the German Academic Professions: Two Cases," Conference on the Future of Academic Freedom: Context and Challenge, Law School, University of Florida, Gainesville, January 15, 1988.

Commentator, "The Continuing Crisis of European Social Democracies," Conference on European Studies, Washington, October 31, 1987.

"The Transformation of the Language of Modern German History," panelist, American Historical Association, Chicago, December 30, 1986.

Commentator, "Democratic Regimes in Crisis: A Comparative Assessment," Conference on Challenges to Democracies, University of Chicago, Chicago, November 24, 1986.

Commentator, "The Crisis of Stalinism," conference on International Communism, 1943-56, University of Michigan, Ann Arbor, November 13, 1986.

Discussant, "The Meaning of Gender in German History," international conference, Rutgers University, New Brunswick, April 25-27, 1986.

- "Four Recent Controversies in Germany History, 1866-1945," History Department Colloquium, Tufts University, Medford, March 27, 1986.
- "Is There a Social Democratic 'Repertoire'?", Social History Workshop, New York University History Department, December 13, 1985.
- "The Economics of Social Democracy: Germany since W.W.I," Conference on European Studies, Washington, October 19, 1985.
- "Postwar Relations between Labor and Capital: The Emergence of the Great Accord," New York State European History Association, Binghamton, NY, October 5, 1985.
- "Roundtable on Internal vs. External Factors in Political Development," American Political Science Association, New Orleans, August 30, 1985.
- "Capital, Labor and the End of the Weimar Republic," guest lecture, History Department and Holocaust Studies Program, UCLA, June 6, 1985.
- "Problems of German Labor in the Interwar Years," Hobart and William Smith Colleges, May 6, 1985.
- "Several Recent Controversies in Modern German History," guest lecture, annual conference for prep school teachers, McDonagh School, Pikesville, MD, April 13, 1985.
- "Labor, the Depression and the Crisis of Weimar," Department of Economics, American University, Washington, April 12, 1985.
- "Weimar and Bonn: Socialists and the Seats of Power," Department of History, SUNY-Stony Brook, Stony Brook, March 25, 1985.
- "Between Class and Consensus: German Social Democracy since the 1920's," Department of History, University of Oklahoma, Norman, January 31, 1985.
- "The Keynesian Path of Germany Social Democracy," Department of Sociology, University of Wisconsin-Madison, November 29, 1984.
- "Labor's Way: The Successes and Limits of Socialist Politics in Weimar," Conference on Public Spheres and Primate Spaces: Politics and Society in Weimar Germany, University of Pennsylvania, April 29, 1984.
- "The Loss of Popular Consent and the Fragmentation of Elite Interests at the End

of Weimar, International Conference on Seizures of Power by Extremist Movements, Tel Aviv University, Tel Aviv, March 25, 1984.

"The Logic of German Social Democracy since World War II," Council on West European Studies, Yale University, February 29, 1984.

Commentator, "The Political and Economic Consequences of World War I," Shelby Cullom Davis Center Conference on W.W.I, Princeton, January 21, 1984.

"Labor's Strategy and the Crisis of the Weimar Republic," History Department, SUNY-Binghamton, December 1, 1983.

Commentator, "German Communism and the State Apparatus," Bard-Hudson History Conference, Annondale, October 22, 1983.

"The Historical Foundations and Contemporary Relevance of Theories of Economic Democracy," Aspects of Democratic Theory Congress, Inter-University Center, Dubrovnik, Yugoslavia, March 29, 1983.

"The Collapse of Weimar and the Rise of Nazism," roundtable, Center for European Studies Colloquium on Nazism, Harvard University, March 18, 1983.

"Can Social Democracy Transform Capitalism?" seminar in the Political Economy of Advanced Capitalist Societies, University of Chicago, March 15, 1983.

Participant, "Deutschlands Weg in die Diktatur," International Conference on the Advent of the Nazi Dictatorship, Berlin (West), January 14-16, 1983.

"States and Economies: The Political Economy of Twentieth Century Germany," Faculty Enrichment Seminars of Carleton and St. Olaf Colleges, Northfield, Minnesota, January 10-11, 1983.

"The Transformative Potential and Limits of German Social Democracy," American Historical Association, Washington, December 30, 1982.

"German Labor from Socialist Ghetto to Keynesian Cul-de-Sac," Rutgers University Seminar in Political Economy, New Brunswick, December 9, 1982.

"German Social Democracy and the Choice for the Welfare State, 1945-53," Center for European Studies, Harvard University, October 29, 1982.

"The Cyclical Reemergence of Radicalism in German Social Democracy, 1918-1978," American Political Science Association, Denver, September 1, 1982.

- "Anfang und Ende des Keynesianismus in Deutschland," guest lecture, Research Institute Seminar, German Trade Union Federation, Düsseldorf, July 22, 1982.
- "'Wirtschaftsdemokratie' and Growth as Alternatives in German Social Democracy," Modern History Colloquium, Ruhr-University, Bochum, July 14, 1982.
- "Die Entwicklung der Wirtschaftspolitik der deutschen Gewerkschaften--aus amerikanischen Gesichtspunkt," guest appearance, West Deutscher Rundfunk (German radio), Münster studios, June 23, 1982.
- "The 'Economic Democracy' Theory of the German Trade Unions and the Weimar Republic," Otto Suhr Institut, Free University, Berlin (West), June 9, 1982.
- Commentator, "Class Conflict and the State in Recent Social Studies," American Political Science Association, New York, September 5, 1981.
- "Historical and Contemporary Perspectives on 'Modell Deutschland,'" New England Workshop on German Affairs, Boston, May 19, 1981.
- "If Not in the Fatherland, Then Maybe in the Promised Land: Fritz Naphtali and 'Economic Democracy,'" German History Seminar, Hebrew University, Jerusalem, Israel, January 22, 1981.
- "Capital Divided: Agrarian-Industrial Relations in the Weimar Republic," American Historical Association, Washington, December 29, 1980.
- "Backdoor Socialism: The German Trade Union Campaign for 'Economic Democracy' in the Weimar Republic," Council for European Studies, Conference of Europeanists, Washington, October 25, 1980.
- "Democratizing Capitalism? 'Economic Democracy' and the Political Struggle of German Socialism since 1919," American Political Science Association, Washington, August 30, 1980.
- Commentator, "Workers' Councils in Europe, 1917-1921," American Political Science Association, Washington, September 2, 1979.
- "Labor-Capital Relations in the Weimar Republic," Council for European Studies, Conference of Europeanists, Washington, March 30, 1979.
- Commentator, "Civil Liberties and Repression in Germany Today," PEN Conference, New York, New York, February 5, 1979.

"Conflicts within German Industry and the Collapse of the Weimar Republic," American Historical Association, San Francisco, December 28, 1978.

"Coalition and Dissolution in Weimar Germany," Social Theory Colloquium, Sociology Department, University of Wisconsin, Madison, April 21, 1978.

"Class Coalitions and Class Fractions in Germany, 1919-1933," Midwest meetings, American Political Science Association, Chicago, February, 1977.

SCHOLARLY ADMINISTRATION, SERVICE AND EDITORIAL COLLABORATION:

National and International:

Co-convenor, International Interdisciplinary Conference on "Race, Place, Ethnicity, and Class," Miami, November 6-8, 2008.

Program and Local Chair, AALS Immigration Law Professors Biannual Conference, Miami, May 2-3, 2008.

Editorial Board Member, *Law & History Review*, 1996-2005.

Alexander v. Humboldt Foundation, Lynen Program referee, 1993, 2000.

Outside Tenure Reviews for: Hebrew University-Jerusalem, Rice, Iowa, Emory, York, and Cleveland State Universities (law and history, 2004-2007)

Referee, American Academy in Berlin Fellowship Application, 2007-08.

Manuscript reader: Princeton University Press, Cambridge University Press, Free Press-Macmillan, Westview Press, Rutgers University Press, Holmes and Meier

Journal of Modern History, *New German Critique*, *American Historical Review*, *Law & Society Review*, *Law & Social Inquiry*, *International Migration Review*, *Law & History Review*., *Social Problems*, *Citizenship Studies*, *American Journal of Legal History*

Editorial Consultant, Holmes and Meier Publishers, 1985-.

Leo Baeck Institute, New York, Faculty Seminar, 1981, 1996.

Lehrman Institute, New York, Fellows Seminars participant, 1979-80, 1981-82.

NEH Project Reviewer, 1983, 1985, 1995, 2002.

Canada Social Science Research Council Project Reviewer, 2003.

Columbia University Seminars on Labor History/Modern Europe, 1981-2002..

U.S. Representative, European Union Network of Research Excellence in Global Migration and Institutional Responses, 2003-8

Press Source: Quoted/featured as University of Miami Professor, *New York Times*, *Miami Herald*, NPR, CNN, BBC, *Chicago Tribune*, *L.A. Times*, *Ha'aretz*, *Le Monde*, *International Herald Tribune*, others (Immigration, Property, and Security topics).

Miami:

Co-convenor, University of Miami Interdepartmental Seminar on "Emotions," Fall 2008.
 Member, Law School Dean Search Committee 2008-09.
 Co-director, University of Miami-Leipzig University Annual Exchange Seminars, 2001-
 Provost's University Tenure Advisory Board, University of Miami, 1998, 2002, 2003,
 2008.
 Teaching Abroad, UM School of Law, Summer Program 2008 (Athens-Rome)
 Rank, Salary, and Conditions of Employment Committee, University of Miami, 2000.
 Library and Research Allocation Committee, University of Miami Law School.
 Dean's Ad Hoc 'Goals Committee,' University of Miami Law School, 1994-95.
 Chair, University of Miami President's Tenure Review Board, 2005-
 Chair, Lateral and Visiting Appointments Committee, 2007-
 Chair, Law School Appointments Committee, 2004-06
 Chair, Career Planning and Placement Committee, 1999-2001
 Faculty Advisor, Immigration Law Society, 1999-.
 Faculty Advisor, *University of Miami Law Review*, 2006-
 Symposium Advisor, *University of Miami Inter-American Law Review*, 2006.
 Faculty Advisor, American Constitution Society, 2001-
 Faculty Advisor, Cardozo (Jewish Law Students) Society, 1992-.
 Leadership Florida, Service and Education for Aspiring Elites, 1999-.
 Member, Center for Hispanic and Caribbean Legal Studies, 1996-.
 Member, Judaic Studies Program Committee, University of Miami, 1995-.
 Lectures Committee, University of Miami Law School, 1993-95.
 Chair/Organizer, University of Miami Law School Faculty Workshop, 1993-.
 Co-Organizer, University of Miami Inter-Departmental Committee in Social and
 Cultural Studies, 1993-97.
 Faculty Search and Appointments Committees, 1979, 1981-83, 1993, 1997, 2002, 2004.
 Chair, 2004-07.
 Founding Member, Scholars, Artists, Writers for Social Justice (SAWSJ), 1997
 External Examiner, Swarthmore College Honors Program, 1996, 1999, 2003.
 University Seminar on "Changing Bases of Social Group Identity and Action," University of
 Pennsylvania, 1984-87.
 Princeton University Committee on the Program in Political Philosophy, 1980-85.
 Princeton University Committee for European Studies, 1978-81, 1982-85.
 Committee for the Shelby Cullom Davis Center for Historical Studies, 1978-79;
 Executive Secretary, Davis Center, Spring 1984.
 Undergraduate Departmental Representative and Program Chairman, 1981-82.
 Graduate Admissions and Fellowship Committees, 1982-85.

LANGUAGES:

German, French, Hebrew

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