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WORK CONTACT INFORMATION

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ACADEMIC CAREER

2016/17	Fellow at the Wissenschaftskolleg zu Berlin.
2015	University Professor of Law and Philosophy, Toronto.
2014/15	Arthur Goodhart Visiting Professor of Legal Science, Cambridge, Visiting Scholar, Pembroke College, Cambridge.
2013 (Fall)	Global Visiting Professor, New York University Law.
2012-present	Editor, University of Toronto Law Journal.
1998-present	Professor of Law and Philosophy, University of Toronto, Faculty of Law and Department of Philosophy.
2010-present	Editor with Adam Tomkins, Cambridge Series in Constitutional Law.
2002-2010	Associate Dean of Graduate Studies, University of Toronto, Faculty of Law.
2008 (Fall)	Global Visiting Professor, New York University Law.
2006	Herbert Smith Visiting Fellow, University of Cambridge, Faculty of Law. Visiting Scholar, Pembroke College, Cambridge.
1993-98	Associate Professor of Law and Philosophy, Law Faculty and Department of Philosophy, University of Toronto.
1995-2000	Book Review Editor, University of Toronto Law Journal.

1992-93	Humboldt Fellow, Faculty of Law, University of Heidelberg.
1990-93	Assistant Professor of Law and Philosophy, Faculty of Law and Department of Philosophy, University of Toronto.
1989-90	Assistant Professor and Canada Research Fellow, Law Faculty, Queen's University.
1988-89	Adjunct Professor, Queen's University, Faculty of Law, Kingston.
1987-88	Part-time lecturer, Faculty of Laws, University College, London.
1986-87	Part-time lecturer, Faculty of Laws, Queen Mary College, London.
1984-85	Part-time lecturer, Faculty of Laws, University College, London.
1982-83	Full-time lecturer, School of Law, University of the Witwatersrand.

ACADEMIC RECORD

1984-88	D.Phil., University of Oxford.
1979	LL.B., University of the Witwatersrand, Faculty of Law.
1977	B.A., University of the Witwatersrand.

AWARDS

2014	Fellow, Wissenschaftskolleg, Berlin, for 2016/17.
2010	Arthur Goodhart Visiting Professorship in Legal Science, Cambridge University, 2014-15.
2007	Social Sciences and Humanities Research Council of Canada (SSHRC) Grant ($24,398), Cycles of Legality.
2002	Law Foundation Fellow, University of Auckland.
2001	SSHRC Grant ($42,000), Rule of Law.
1999	Fellow of the Royal Society of Canada.
1998	Visiting Fellow, Clare Hall, University of Cambridge.

1997	Connaught Research Fellowship.
	SSHRC Grant ($16,000), Administrative Law.
1994	SSHRC Grant ($10,700), for completion of research on German legal philosophy during Weimar, and to start project on democratic theory and the law.
1992	Humboldt Research Fellowship.
1991	SSHRC Grant ($5,500), German legal philosophy during Weimar.
1990	Queen's National Scholarship (declined).
	Connaught Research Fellowship.
1989	Canada Research Fellowship.
	Postdoctoral Fellowship (declined).

PUBLICATIONS

Books

The Constitution of Law: Legality in a Time of Emergency (Cambridge: Cambridge University Press, 2006).

Judging the Judges, Judging Ourselves: Truth, Reconciliation and the Apartheid Legal Order (Oxford, Hart Publishing, 1998).

Legality and Legitimacy: Carl Schmitt, Hans Kelsen, and Hermann Heller in Weimar (Oxford: Clarendon Press, 1997).

Hard Cases in Wicked Legal Systems: South African Law in the Perspective of Legal Philosophy (Oxford: Clarendon Press, 1991); 2nd edition as *Hard Cases in Wicked Legal Systems: Pathologies of Legality* (Oxford: Oxford University Press, 2010).

Edited Books and Collections

David Dyzenhaus and Malcolm Thorburn, eds, *Philosophical Foundations of Constitutional Law* (Oxford: Oxford University Press, 2016).

David Dyzenhaus and Thomas Poole, eds., *Law Liberty and State: Hayek, Schmitt and Oakeshott on the rule of law* (Cambridge: Cambridge University Press, 2015).

David Dyzenhaus and Thomas Poole, eds., *Hobbes and the Law,* (Cambridge: Cambridge: University Press, 2012).

David Dyzenhaus and Adam Tomkins, eds., (2010) 60 *University of Toronto Law Journal,* special issue on *The Role of the Courts in Constitutional Law*.

David Dyzenhaus, Murray Hunt, and Grant Huscroft, eds., *A Simple Common Lawyer: Essays in Honour of Michael Taggart* (Oxford: Hart Publishing, 2009).

Civil Rights and Security (Burlington, VT: Ashgate, 2008).

David Dyzenhaus and Mayo Moran, eds., *Calling Power to Account: Law, Reparations and the Chinese Head Tax* (Toronto: University of Toronto Press, 2005).

David Dyzenhaus, Harry Arthurs, Martin Loughlin, and Mike Taggart, eds., *Administrative Law Today: Culture, Ideas, Institutions, Processes, Values: essays in honour of John Willis,* (2005) 55 *University of Toronto Law Journal*.

The Unity of Public Law, edited collection, (Oxford: Hart Publishing, 2004).

Recrafting the Rule of Law: The Limits of Legal Order, edited collection (Oxford: Hart Publishing, 1999).

Carl Schmitt, edited collection of essays in a special issue of the *Canadian Journal of Law and Jurisprudence* X (1997). Also published as *Law as Politics: Carl Schmitt's Critique of Liberalism* (Durham, NC: Duke University Press, 1998 with a new introduction by David Dyzenhaus and a preface by Ronald Beiner).

David Dyzenhaus and Arthur Ripstein, eds., *Law and Morality: Readings in Legal Philosophy*, (Toronto: University of Toronto Press, 1996; 2nd edition, 2001, 3rd edition with Sophia Moreau, 2007).

Chapters in Books

"Deliberative Constitutionalism Through the Lens of the Administrative State", forthcoming in Hoi Kong and Ron Levy, eds., *The Cambridge Handbook of Deliberative Constitutionalism* (CUP).

'A Monistic Approach to the Internationalization of Constitutional Law', in Julia Motoc, et al, eds., *New Developments in Constitutional Law: Essays in Honour of Andras Sajo* (The Hague: Eleven International Publishing, 2018) 97-118.

'Formalism, Realism, and the Politics of Indeterminacy', in Wouter Werner, et al, *The Law of*

International Lawyers: Reading Martti Koskenniemi (Cambridge: Cambridge University Press, 2017) 39-60.

"Dugardian legal theory", in Tiyanjana Maluwa, Max Du Plessis, and Dire Tladi, eds., *The Pursuit of International Law in a Brave New World: Essays in Honour of John Dugard* (Brill, 2017) 1-41.

"The Concept of the Rule-of-Law State in Carl Schmitt's *Verfassungslehre*" in Jens Meiherhenrich and Oliver Simons, eds., *The Oxford Handbook of Carl Schmitt* (Oxford: Oxford University Press, 2016) 490-509.

"The Idea of a Constitution: A Plea for *Staatsrechtslehre*" in David Dyzenhaus and Malcolm Thorburn, eds, *Philosophical Foundations of Constitutional Law* (Oxford: Oxford University Press, 2016) 9-32.

"Dreaming the rule of law", in David Dyzenhaus and Thomas Poole, eds., *Law Liberty and State: Hayek, Schmitt and Oakeshott on the rule of law* (Cambridge: Cambridge University Press, 2015) 234-260.

"Liberty and legal form", in Lisa Austin and Dennis Klimchuk, eds., *The Rule of Law and Private Law* (Oxford: Oxford University Press, 2014) 92-115.

"The Moral Distinctiveness of Legislated Law", 30 pages, Nomos (New York: New York University Press, forthcoming).

"Dworkin and Unjust Law", 50 pages, in Stephen Sciaraffa and Wil Waluchow, eds., *The Legacy of Ronald Dworkin* (Oxford: Oxford University Press, forthcoming).

"Dancing with Dicey: Harry Arthurs's Tentative Embrace of Judicial Review", 15 pages, in Simon Archer, David Drache, and Peer Zumbansen, eds., *Liber Amicorum – Festschrift Harry Arthurs 2015* (McGill/Queens University Press, forthcoming).

"Unjust law in legal theory", in Ralf Poscher, Henner Wolter and Jakob Nolte, eds *Festschrift für Bernhard Schlink zum 70. Geburtstag* (C.F. Müller Verlagsgruppe Hüthig Jehle Rehm GmbH, Heidelberg), forthcoming, 28 pages.

"Dreaming the rule of law", 40 pages, in David Dyzenhaus and Thomas Poole, eds., *Law Liberty and State: Hayek, Schmitt and Oakeshott on the rule of law* (Cambridge University Press), forthcoming

"One family member's perspective on the legacy of critical illness", forthcoming in Stevens, Hart and Herridge, *The legacy of critical illness. A textbook of post-ICU medicine*, Oxford University Press.

"What is a democratic culture of justification?", in Murray Hunt, Hayler Hooper, and Paul Yowell, eds., *Parliaments and Human Rights: Redressing the Democratic Deficit* (Oxford: Hart Publishing, 2015) 425-445.

"Hermann Heller and the 'Jewish Element' in German Public Law Theory", 60 pages, in Moritz Epple, Johannes Fried, Raphael Gross, Janus Gudian, eds., *'Politisierung der Wissenschaft'. Jüdische Wissenschaftler und ihre Gegner an der Universität Frankfurt vor und nach 1933* (Göttingen: Wallstein Verlag, 2015).

"Freedom under an Order of Public Law: From Hobbes through Hayek to Republicanism", in Renata Uitz, ed., *Freedom and its Enemies: The Tragedy of Liberty* (The Hague: Eleven International Publishing, 2015) 79-105.

"Proportionality and Deference in a Culture of Justification", in Grant Huscroft, Bradley Miller, and Gregoire Webber, eds., *Proportionality and the Rule of Law: Rights, Justification, Reasoning* (Cambridge: Cambridge University Press, 2014) 234-258.

"Hobbes on the Authority of Law", in David Dyzenhaus and Thomas Poole, eds., *Hobbes and the Law,* (Cambridge: Cambridge: University Press, 2012) 186-209.

"Preventive Justice and the Rule of Law Project", in Andrew Ashworth, Lucia Zedner,and Patrick Tomlin, eds., *Prevention and the Limits of the Criminal Law* (Oxford: Oxford University Press, 2013) 91-114.

"States of Emergency", in Michel Rosenfeld and Andras Sajo, eds., *Oxford Handbook on Comparative Constitutional Law* (Oxford: Oxford University Press, 2012) 442-462.

"The Rule of Law in Schmitt's Verfassungslehre", 30 pages, will appear in Jens Meierhenrich, ed., *Oxford Handbook on Carl Schmitt* (Oxford University Press, forthcoming).

"Hobbes's Constitutional Theory", in Ian Shapiro, ed., *Hobbes: Leviathan* (New Haven: Yale University Press, 2010) 453-480.

"*Leviathan* as a Theory of Transitional Justice", in Melissa Williams, Rosemary Nagy, and Jon Elster, eds., *Transitional Justice: Nomos 51* (New York: New York University Press, 2012) 180-217.

"*L'*état d'exception", in Michel Troper and Dominique Chagnollaud, eds., *Traité International de Droit Constitutionnel* (Paris: Dalloz, 2012), volume 2, 738-64.

"Consent, Legitimacy and the Foundation of Political and Legal Authority" in Jeremy Webber

and Colin M. Macleod, eds., *Between Consenting Peoples: Political Communities and the Meaning of Consent* (Vancouver: UBC Press, 2010) 163-187.

"The 'Organic Law' of *Ex Parte Milligan"*, in Austin Sarat, ed., *Sovereignty, Emergency, Legality* (Cambridge University Press, 2010) 16-57.

"Accountability and the Concept of (Global) Administrative Law", in Hugh Corder, ed., *Global Administrative Law: Innovation and Development* (Juta: Clarendon Press, 2009) 3-31.

"The Legitimacy of the Rule of Law", in David Dyzenhaus, Murray Hunt, and Grant Huscroft, eds., *A Simple Common Lawyer: Essays in Honour of Michael Taggart* (Oxford: Hart Publishing, 2009) 33-54.

"The Compulsion of Legality", in Victor Ramraj, ed., *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008) 31-59.

"The Incoherence of Constitutional Positivism", in Grant Huscroft, ed., *Expounding the Constitution: Essays in Constitutional Theory* (Cambridge: Cambridge University Press, 2008) 138-160.

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"The Rule of Law as the Rule of Liberal Principle", in A. Ripstein, ed., *Ronald Dworkin* (Cambridge: Cambridge University Press, 2007) 56-81.

"David Mullan's Theory of the Rule of (Common) Law", in Grant Huscroft and Michael Taggart, eds., *Inside and Outside Canadian Administrative Law: Essays in Honour of David Mullan* (Toronto: University of Toronto Press, 2006) 448-484.

"Disobeying Parliament? Privative Clauses and the Rule of Law", in Richard W. Bauman and Tsvi Kahana, eds., *The Least Examined Branch: The Role of Legislatures in the Constitutional State* (Cambridge: Cambridge University Press, 2006) 499-518.

"The Case for Public Investment in the Humanities", in Iacobucci and Tuohy, eds., *Taking Public*

Universities Seriously (University of Toronto Press, 2005) 164-173.

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"The State of Emergency in Legal Theory", in Victor V. Ramraj, Michael Hor, and Kent Roach, eds., *Global Anti-Terrorism Law and Policy* (Cambridge: Cambridge University Press, 2005) 65-89.

"Baker: the Unity of Public Law?", in David Dyzenhaus, ed., *The Unity of Public Law* (Oxford: Hart Publishing, 2004) 1-19.

"Constituting the Enemy: A Response to Carl Schmitt", in A Sajo, ed., *Militant Democracy* (The Netherlands: Eleven International Publishing, 2004) 15-45.

"The Unwritten Constitution and the Rule of Law", in Grant Huscroft and I. Brodie, eds., *Constitutionalism in the Charter Era* (Canada: LexisNexis, 2004) 383-412.

"Aspiring to the Rule of Law", in Tom Campbell, Jeffrey Goldsworthy and Adrienne Stone, eds., *Protecting Human Rights: Instruments and Institutions* (Oxford: Oxford University Press, 2003) 195-209.

"The Justice of the Common Law: Judges, Democracy and the Limits of the Rule of Law", in Cheryl Saunders and Katherine Le Roy, eds., *The Rule of Law* (Sydney: The Federation Press, 2003) 21-51.

"Leviathan in the 1930s: The Reception of Hobbes in the Third Reich", in John McCormick, ed., *Confronting Mass Democracy and Industrial Technology: Political Theory from Nietzsche to Habermas* (Duke University Press: North Carolina, 2002) 163-191.

"The Permanence of the Temporary", in Ron Daniels *et al*., eds., *The Security of Freedom: essays on Canada's anti-terrorism bill* (Toronto: University of Toronto Press, 2001) 21-37.

"With the Benefit of Hindsight: South Africa's Truth and Reconciliation Commission", in Veatch and Christodoulides, *Lethe's Law*, (Oxford: Hart Publishing, 2001) 65-89.

"Form and Substance in the Rule of Law", in C. Forsyth, ed., *Judicial Review & The Constitution*, (Oxford: Hart Publishing, 2000) 141-172.

"The Gorgon Head of Power: Heller and Kelsen on the Rule of Law", in Caldwell and Scheuerman, eds., *From Liberal Democracy to Fascism: Political and Legal Thought in the Weimar Republic* (Boston: Humanities Press, 2000) 20-46.

"Herman Heller" [article introducing his life and work], together with translation of substantial extracts from his work, in Arthur J. Jacobson and Bernhard Schlink, eds., *Weimar: A Jurisprudence of Crisis* (Berkeley: University of California Press, 2000) 249-279.

Translation of Carl Schmitt, "Ethic of State", in Chantal Mouffe, ed., *The Challenge of Carl Schmitt* (London: Verso, 1999) 195-208.

"Fuller's Novelty", in Witteveen and Van Der Burg, eds., *Rediscovering Fuller* (Amsterdam: Amsterdam University Press, 1999) 78-99.

"John Stuart Mill and the Harm of Pornography", in C.L. Ten, ed., *Mill's Moral, Political and Legal Philosophy* (Aldershot: Ashgate Publishing, 1999) 473-490 [reprinted from (1992) 102 *Ethics* 3, 534-551].

"Putting the State Back in Credit", in Chantal Mouffe, ed., *The Challenge of Carl Schmitt* (London: Verso, 1999) 75-91.

"Conscience and the Law: Liberal and Democratic Approaches", *Nomos XL: Integrity and Conscience* (New York: New York University Press, 1998) 187-217.

"John Stuart Mill and the Harm of Pornography", in G.W. Smith, ed., *John Stuart Mill's Social and Political Thought: Critical Assessments* (London: Routledge, 1998) volume 4, 289-306 [reprinted from (1992) 102 *Ethics* 3, 534-551].

"Schmitt, Carl", in Edward Craig, ed., contribution (500 words) to *Routledge Encyclopedia of Philosophy* (Routledge: New York, London, 1998) volume 8, 544-545.

"John Stuart Mill and the Harm of Pornography", in Gerald Dworkin, ed., *Mill's on Liberty: Critical Essays* (Lanham: Rowman & Littlefield, 1997) 31-53 [reprinted from (1992) 102 *Ethics* 3, 534-551].

"Normative Justifications for the Provision of Legal Aid", in Report of the Ontario Legal Aid Review: A Blueprint for Publicly Funded Legal Services (1997) 475-502.

"The Politics of Deference: Judicial Review and Democracy", in M. Taggart, ed., *The Province of Administrative Law* (Oxford: Hart Publishing, 1997) 279-307.

"Liberalism, Pornography and the Rule of Law", in R. Devlin, ed., *Canadian Perspectives on*

Legal Theory (Toronto: Emond Montgomery, 1991), 7-28.

Articles

"The Rule of Law project", 5 pages in the *Harvard Law Review Forum,* http://harvardlawreview.org/2016/04/the-rule-of-law-project/

"Towards a philosophical jurisprudence", (2016) 7 *Jurisprudence* 636-655.

"Process and Substance as Aspects of the Public Law Form" (2015) 74 *Cambridge Law Journal* 284-306.

"The Public Conscience of the Law from Hobbes to Hart", (2015) 45 *Ragion Pratica* 565-598

"The Ambiguity of Force", 50 pages, *Ratio Juris* forthcoming.

"Kelsen, Heller and Schmitt: Paradigms of Sovereignty Thought", (2015) 16 *Theoretical Inquiries in Law,* 337-366.

"The Public Conscience of the Law", (2014) 43 *Netherlands Journal of Legal Philosophy* 115-126.

"Critical Notice (Review Article) of Philip Pettit, *On the people's terms*", (2013) 43 *Canadian Journal of Philosophy* 494-513

"Hobbes on the international rule of law", (2014) 23 *Ethics & International Affairs* 53-64

"Constitutionalism in an Old Key: Legality and Constituent Power", (2012) 1:2 *Global Constitutionalism* 229– 260.

"Dignity in Administrative Law: Judicial Deference in a Culture of Justification", (2012) 17 *Review of Constitutional Studies* 87-14.

"The End of the Road to Serfdom?", review article of Martin Loughlin, *Foundations of Public Law*, (2013) 63 *University of Toronto Law Journal* 310-326.

"Legality without the Rule of Law? Scott Shapiro on Wicked Legal Systems", review article in a symposium on Shapiro, (2012) 25 *Canadian Journal of Law and Jurisprudence*, 183-200.

"Response to Ian Shapiro, 'On Non-Domination'" (2012) 42 *University of Toronto Law Journal* 337-346.

"Emergency, Liberalism and the State" (2011) 9 *Perspectives on Politics* 69-79.

"Positivism and the Pesky Sovereign" (2011) 22 *European Journal of International* Law 363-372.

"Austin, Hobbes, Dicey", (2011) 26 *Canadian Journal of Law and Jurisprudence* 41-430.

 "Rand's Republicanism", (2010) 55 *McGill Law Journal* 491-510.

"The very idea of a judge", in David Dyzenhaus and Adam Tomkins, eds., (2010) 60 *University of Toronto Law Journal*, special issue on *The Role of the Courts in Constitutional Law* 61-80.

"How Hobbes met the 'Hobbes Challenge'", (2009) 72 *Modern Law Review* 488-506.

"The Puzzle of Martial Law", (2009) 59 *University of Toronto Law Journal* 1-64.

"The Case of the Grudge Informer Revisited", (2008) 83 *New York University Law Review* 1000-1034.

"The Pasts and Future of the Rule of Law in South Africa" (2008) 124 *South African Law Journal* 734-761.

"Cycles of Legality in Emergency Times", (2007) 18 *Public Law Review* 165-185.

"The Demise of Legal Positivism", (2006) 119 *Harvard Law Review Forum* 112-121.

"An unfortunate outburst of Anglo-Saxon Parochialism", (2005) 68 *Modern Law Review* 673-676.

"Schmitt v Dicey: Are States of Emergency Inside or Outside the Legal Order", (2006) 27 *Cardozo Law Review* 2005-2039.

"The Logic of the Rule of Law – Lessons from Willis", (2005) 55 *University of Toronto Law Journal* 691-714.

"The Rule of (Administrative) Law in International Law", (2005) 68 *Law and Contemporary Problems* 127-166.

"The Deep Structure of *Roncarelli v. Duplessis*" (2004) 53 *University of New Brunswick Law Journal* 111-154.

"The Genealogy of Legal Positivism", (2004) 24 *Oxford Journal of Legal Studies* 39-67.

"Intimations of Legality Amid the Clash of Arms", (2004) 2 *International Journal of Constitutional Law* 244-271.

"The Left and the Question of Law", (2004) 18 *Canadian Journal of Law and Jurisprudence* 7-30.

"Humpty Dumpty Rules or the Rule of Law", (2003) 28 A*ustralian Journal of Legal Philosophy* 1-30.

"Judicial Independence, Transitional Justice and the Rule of Law", (2003) 10 *Otago Law Review* 345-369.

"Transitional Justice" (2003) 1 *International Journal of Constitutional Law* 163-175.

"Constituting the Rule of Law: Fundamental Values in Administrative Law", (2002) 27 *Queen's Law Journal* 445-509.

"Formalism's Hollow Victory", (2002) IV *New Zealand Law Review* 525-556.

"*Caveat* Reviewer: a Response to Matthew Kramer", (2001) 21 *Oxford Journal of Legal Studies*, 702-4.

"Hobbes and the Legitimacy of Law", (2001) 20 *Law and Philosophy* 461-91.

With Murray Hunt and Michael Taggart, "The Principle of Legality in Administrative Law: Internationalisation as Constitutionalisation", (2001) 1 *Oxford University Commonwealth Law Journal* 5-34.

With Evan Fox-Decent, "Rethinking the Process/Substance Distinction: Baker v. Canada", (2001) 51 *University of Toronto Law Journal* 193-240.

"'Justifying the Truth and Reconciliation Commission", (2000) 8 *Journal of Political Philosophy* 470-496.

"Positivism's Stagnant Research Programme", (2000) 20 *Journal of Legal Studies Oxford Journal of Legal Studies* 703-722.

"Charles Larmore, The Morals of Modernity", (1998) 28 *Canadian Journal of Philosophy* 269-286.

"Law as Justification: Etienne Mureinik's Conception of Legal Culture", (1998) 14 *South African Journal on Human Rights* 11-37.

"Reuniting the Brain: The Democratic Basis of Judicial Review", (1998) 9 *Public Law Review* 98-110.

"The Difference Law Makes" [Review Article of Abel, *Politics By Other Means* and Lobban, *White Man's Justice*] (1997) 60 *Modern Law Review* 866-873.

"Herman Heller" [article introducing his life and work], together with translation of most of Part III of Heller's *Staatslehre*, (1996) 18 *Cardozo Law Review* 1129-1216.

"Holmes and Carl Schmitt: an Unlikely Pair?", (1997) 63 *Brooklyn Law Review* 165-188.

"Hermann Heller and the Legitimacy of Legality", (1996) 16 *Oxford Journal of Legal Studies* 641-666.

"Legal Theory in the Collapse of Weimar: Contemporary Lessons?", (1997) 91 *American Political Science Review* 121-134.

"The Legitimacy of Legality" (1996) 82 *Archiv für Rechts- und Sozialphilosophie*, 324-360 and (1996) 46 *University of Toronto Law Journal* 129-180.

"Liberalism After the Fall: Schmitt, Rawls and the problem of justification", (1996) 22 *Philosophy and Social Criticism* 9-37.

"CUPE's Spirit?", (1994) 15 *Administrative Law Reports* 73-82.

"The Legitimacy of Law: A Response to Critics", (1994) 7 *Ratio Juris* 80-94.

"Now the Machine Runs Itself: Carl Schmitt on Hobbes and Kelsen", (1994) 16 *Cardozo Law Review* 1-19.

"Pornography and Public Reason", (1994) 7 *Canadian Journal of Law and Jurisprudence* 261-281.

"Developments in Administrative Law: the 1992-93 Term", (1994) 5 *Supreme Court Law Review* 189-267.

"Developments in Administrative Law: the 1991-92 Term", (1993) 4 *Supreme Court Law Review* 177-224.

"Dicey's Shadow" (Review Article of P. Craig Public Law and Democracy in the United Kingdom and the United States of America), (1993) 43 *University of Toronto Law Journal* 127-145.

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"Law's Potential" (Review Article of S. Ellman in a Time of Trouble: Law and Liberty in South Africa's State of Emergency), (1992) 7 *Canadian Journal of Law and Society* 237-251.

"John Stuart Mill and the Harm of Pornography", (1992) 102 *Ethics* 534-551.

"Liberalism, Autonomy, and Neutrality", review article of J. Feinberg *Offense to Others* and W. Kymlicka *Contemporary Political Philosophy*, (1992) 42 *University of Toronto Law Journal* 354-375.

"Why Positivism is Authoritarian", (1992) 37 *American Journal of Jurisprudence* 83-112.

"Democracy, Rights, and the Law", (1991) 7 *South African Journal on Human Rights* 24-49.

"Obscenity and the Charter: Autonomy and Equality", (1991) 1 *Criminal Reports* 367-377.

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With M. Taggart, "Judicial Review, Jurisprudence and the Wizard of Oz", (1990) 1 *Public Law Review* 21-52.

"Should Community Standards Determine Obscenity?" (1990) 72 *Criminal Reports* 49-58.

"The New Positivists" (1989) 39 *University of Toronto Law Journal* 361-379.

"Bail, Security, and Rights" (1986) 2 *South African Journal on Human Rights* 85-91.

Review Article, "Christopher Forsyth - In Danger for Their Talents", (1986) 2 *South African Journal on Human Rights* 351-361.

"Judges, Equity, and Truth" (1985) 102 *South African Law Journal* 295-309.

"Judging the Judges and Ourselves III: The Just Judge and Other Subversives" (1984) 101 *South African Law Journal* 733-743.

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"Judging the Judges and Ourselves" (1983) 100 *South African Law Journal* 496-505.

"Positivism and Validity" (1983) 100 *South African Law Journal* 454-467.

"LC Steyn in Perspective" (1982) 99 *South African Law Journal* 380-393.

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Book Reviews

"The Safety of the People is the Supreme Law", review of Benjamin Straumann, *Roman Political Thought from the Fall of the Republic to the Age of Revolution*, in *The New Rambler Review* (online review journal), Posted 25 October 2016, 2800 words.

"Legality's Affirmation", contribution to a symposium on Adrian Vermeule, *Law's Abnegation,* Balkinization Blog, January 28, 2017, 1800 words.

Book review of Jeffrey Brand-Ballard, *Limits of Legality: The Ethics of Lawless Judging* (2011) 121 *Ethics* 420-23.

Book Review of *The Constitution of Independence: The Development of Constitutional Theory in Australia, Canada, and New Zealand* by Peter C. Oliver [2006] *Public Law* 638-641.

Book Review of *A Life of HLA Hart: The Nightmare and the Noble Dream* by Nicola Lacey (2005) 55 *Journal of Legal Education 606-612.*

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Book Review of *Max Weber* by Anthony T. Kronman (1985) 102 *South African Law Journal*

363-365.

Book Review of *Legal Right and Social Democracy* by Neil MacCormick (1984) 101 *South African Law Journal* 774-776.

Book Review of *Lon L. Fuller* by Robert S. Summers (1984) 101 *South African Law Journal* 770-772.

Book Review of *Criminal Justice in South Africa*, MCJ Olmesdahl and NC Steytler (eds.) (1983) 100 *South African Law Journal* 554-555.

Book Review of *Law and Order - Arguments for Socialism* by Ian Taylor (1982) 99 *South African Law Journal* 693-695.

Book Review of *Liberalism and the Limits of Justice* by Michael J. Sandel (1983) 100 *South African Law Journal* 779-781.

Book Review of *Outbreaks: The Sociology of Collective Behaviour* by Jerry D. Rose (1983) 100 *South African Law Journal* 162-163.

Book Review of *The Politics of the US Supreme Court* by Richard Hodder-Williams (1983) 100 *South African Law Journal* 153-154.

Book Review of *Promises, Morals, and Law* by PS Atiyah (1983) 100 *South African Law Journal* 776-777.

Book Review of *Statute Law* by FAR Bennion (1983) 100 *South African Law Journal* 157-58.

Papers Delivered

2017/18

The 'Maestro Lectures in Legal Philosophy'--three lectures--at the Academia Sinica and the National University of Taiwan in Taipei.

'The Rule of Law under Stress', international relations series at Colgate University.

'Thomas Hobbes and the Rule by Law Tradition' to the Political Theory workshop of Washington University.

'Emergencies and Human Rights', philosophy seminar at the Free University, Berlin

2016/17

"Experts and Fidelity to Law", Keynote Address at "Expertise and Democratic Accountability in Courts and Public Administration", Norwegian Institute in Rome, CFP Workshop, May 2016

"Schmitt v Heller on Constitutionalism and Legality", conference on "Ernst-Wolfgang Böckenförde's Contributions to Constitutional and Political Theory", Munich, June 2016

"The Constitution of Authority", "The Methodology of Constitutional Theory Workshop', Reading University, April 2017

"Emergencies and Human Rights", Max Weber Lecture, European University Institute, Florence, December, 2016.

"The Constitution of Authority", Wissenschaftszentrum, Berlin Seminar, March 2017.

"The long arc of legality", Fellows' weekly colloquium, Wissenschaftskolleg zu Berlin, October, 2016.

2015/16

"Dignity in Administrative Law". Judges of the Electoral College, Mexico City

"The idea of a constitution", Institute of Philosophy, National Autonomous University of Mexico, Mexico City

"The public conscience of the law", Law Faculty, Autonomous Technological Institute of Mexico

Gabriel Garcia Maynez Seminar, Law Faculty, Autonomous Technological Institute of Mexico

"Unjust Law in Legal Theory". UCLA Legal Theory Workshop,

"Deference in administrative law'—Appellate Courts Seminar, Toronto.

-"Schmitt in the USA". York University (UK) Political Theory Workshop
.

2014/15

"Towards a Formal Theory of Public Law", plenary address, Conference on Public Law, Cambridge.

"The Public Conscience of the Law from Hobbes to Hart": Jurisprudence Seminar, Oxford; Berkeley University Conference on Thomas Hobbes; European University Institute Seminar; Slaughter & May Annual Jurisprudence Lecture, Bristol University; Irish Jurisprudence Society Annual Lecture, University College, Dublin; Sheffield Philosophy Department Seminar.

"The Ambiguity of Force", conference on Schauer, *The Force of Law*, Law Faculty, Bocconi University, Milan.

"Carl Schmitt in America", Legal and Political Theory Forum, London School of Economics, European University Institute Seminar.

"Dworkin and unjust law", keynote address, "The legacy of Ronald Dworkin", McMaster University; University of Genoa, Jurisprudence Workshop.

"The Idea of a Constitution: A Plea for *Staatsrechtslehre*", Public Law Seminar, Cambridge.

Faculty workshops on my work in progress, two papers with 2 – 4 commentators, were held at the Faculties of Law of Newcastle University, Amsterdam University, and Birmingham University.

2013/14

"Mandela the lawyer', public event to mark the 50th anniversary of the Rivonia Trial, London School of Economics.

"Unjust Law in Legal Theory", presented at Law Faculty workshops at: Fordham Law; NYU Law; Michigan Law; also at Vanderbilt Social and Political Theory workshop.

"The Very Idea of a Constitution", "Philosophical Foundations of Public Law" conference, Faculty of Law, Toronto.

"Kelsen, Heller and Schmitt: Paradigms of Sovereignty Thought", conference on Sovereignty, Law Faculty, Tel Aviv University.

"Dreaming the rule of law", Cardozo Law Faculty Workshop.

"Public conscience and the law", keynote addresses at: McGill Graduate Law Student Conference; Dutch Research School of Philosophy, Barchem, Netherlands; Yale Law School's faculty seminar in Latin America, the *Seminario en Latinoamérica de Teoría Constitucional y Política,* Colombia.

"The moral distinctiveness of legislated law", comment on Eric Beerbohm at *Nomos* sessions on "Compromise", Central APA.

"Dreaming the rule of law", *Law Liberty and State Conference*, London School of Economics

Conference on my work in the Law Faculty at the VU University, Amsterdam. At this conference, I had to respond to four papers on selected work by me and I did not give a paper myself.

"Truth, Reconciliation and Justice: The Philosophical Debates", *Whose Truth? What Kind of Reconciliation? The Importance of Truth and Reconciliation Commissions for Promoting Democratic Good Governance*, McGill.

APPELLATE COURTS SEMINAR, Edmonton, panel on "Judges, Judiciaries and Challenges to the Rule of Law: Case Studies".

2012

"Preventive Justice and the Rule of Law Project", Preventive Justice Conference, All Souls College, Oxford.

"Hermann Heller and the 'Jewish Element' in German Public Law Theory":

1. Frankfurt—Conference on "Scholarship in Times of Political Radicalisation: Jews, Nationalists, and Others at the University of Frankfurt in the First Part of the 20th Century";
2. Conference, Vienna Law Faculty—"Law on the Borderline: Aspekte nationalsozialistichen Rechtsdenkens".

"Freedom under an Order of Public Law: From Hobbes through Hayek to Republicanism": Vienna Philosophy Department Seminar; Conference on the "Tragedy of Freedom", Central European University.

"Liberty and legal form", Conference on "The Rule of Law in Private Law", University of Toronto.

"What is a democratic culture of justification?": Conference on "Parliament and Human Rights", Houses of Parliament, London; Glasgow University, Faculty of Law seminar.

"Dignity in Administrative Law: Judicial Deference in a Culture of Justification", The Concept of Human Dignity in a Transatlantic Perspective: Foundations and Variations, held at the Wissenschaftskolleg zu Berlin.

"Dignity in Administrative Law: Judicial Deference in a Culture of Justification", 23rd McDonald Lecture, given to the Faculty of Law of the University of Alberta.

"Hobbes on the authority of law":

1. Workshop on Hobbes and the Law at the University of Western Ontario;
2.   Massimo La Torre's legal philosophy seminar at the Università di Catanzaro, Italy;
3. Faculty of Law, University of Copenhagen.
4. Plenary lecture, International Society for Legal and Social Philosophy, Frankfurt.

"The Political Economy of Hate Speech", Shout Fire conference, University of Copenhagen.

"The Morality of Legality", Berkeley, Jurisprudence Colloquium.

"Constitutionalism and Legality", conference on Global Constitutionalism, Humboldt University, Berlin.

2010

"Proportionality and Deference in a Culture of Justification", Conference on Proportionality, University of Western Ontario, Faculty of Law.

"Hobbes on the Authority of Law", Conference on Hobbes's Legal Theory, London School of Economics, Faculty of Law.

"Militant Democracy in the House of Lords", Oxford Seminar in Constitutional Theory.

"Militant Democracy in the House of Lords", New York University, Faculty of Law/Cardozo Law School Seminar in Constitutional Theory.

2009

"Austin, Hobbes, Dicey", Conference on John Austin, University College, London, Faculty of Laws.

"Hobbes's Republican Legal Theory", Colloquium in Legal and Social Philosophy, University College, London, Faculty of Laws.

"Militant Democracy in the House of Lords", conference on hate speech at New York University, School of Law.

"The Very Idea of a Judge", conference on public law at Glasgow Law.

"Rand's Republicanism", 50th anniversary conference on *Roncarelli v Duplessis*, at Sherbrooke Law School.

"Militant Democracy in the House of Lords?", Preeminent Public Law and Legal Philosophy Scholars Series, University of Western Ontario, Faculty of Law.

2008

"The Concept of (Global) Administrative Law", Colloquium on Global Administrative Law, New York University Law, Fall.

"Hobbes's Republican Legal Theory", Cardozo Law Faculty Seminar, Fall.

"Schmitt on the rule of law", Conference on Carl Schmitt, Princeton University, December.

"The Concept of (Global) Administrative Law", Global Administrative Law Conference, University of Cape Town.

"The Case of the Grudge Informer Revisited", Hart/Fuller Symposium, New York University, School of Law.

2007

"The Case of the Grudge Informer Revisited", Philosophy Department Seminar, McMaster University.

"The Puzzle of Martial Law", Legal Theory Workshop, Yale University.

"The Puzzle of Martial Law", Rule of Law Symposium, New York University.

"Cycles of Legality in Emergency Times", Keynote Address, Conference on Terrorism and the Law, University of New South Wales.

"The pasts of the rule of law in South Africa", Two part conference on "Ten years after apartheid", organized by Yale University. This was the second part of conference, held at Yale.

"The Compulsion of Legality", National University of Singapore Conference on "Terrorism and the rule of law: legal theory in a time of crisis".

"Are grey holes worse than black holes for the rule of law?", Heald Lecture in Administrative Law, University of Saskatchewan.

"Are grey holes worse than black holes for the rule of law?", Public Lecture, Faculty of Law, University of Singapore.

"State of Exception", Political Theory Workshop, University of Chicago.

2006

"Schmitt v Dicey: Are States of Emergency Inside or Outside the Legal Order", conference on Carl Schmitt, Strasbourg, France.

"The pasts of the rule of law in South Africa", Two part conference on "Ten years after apartheid", organized by Yale University. This was the first part of conference, held in Cape Town in August.

"Commentary on Heymann and Kayyem", paper for a conference on the book *Protecting Liberty in an Age of Terror*, a fourth meeting of the International Working Group on Terrorism, held at Cardozo Law School.

"Deference, security, and human rights", with Murray Hunt, conference on Security and Human Rights, Oxford.

"The politics of the question of constituent power", conference on Constituent Power, European University Institute, Florence.

"Schmitt v Dicey: Are States of Emergency Inside or Outside the Legal Order", Centre for Public Law seminar, Cambridge University.

"Schmitt v Dicey: Are States of Emergency Inside or Outside the Legal Order", Centre for Public Law lecture, Glasgow University.

"The Constitution of Law", University of Quebec at Montreal: this was a lecture followed by three commentaries on the manuscript of *The Constitution of Law: Legality in a Time of Emergency* (Cambridge: Cambridge University Press, 2006), organized by Luc Tremblay.

"National security", symposium with two others at Clifford Chance, London, organized by the Cambridge Centre for Public Law.

2005

"Schmitt v Dicey: Are States of Emergency Inside or Outside the Legal Order", conference on Terrorism, Bellagio, Italy.

"Leviathan as a theory of transitional justice", Nomos sessions on transitional justice, American Political Science Association.

"Judicial complicity in injustice", conference on Complicity, Oxford.

"Schmitt v Dicey: Are States of Emergency Inside or Outside the Legal Order", Keynote Address, International Society of Constitutional Lawyers, Cordoba, Argentina.

"The legitimacy of the rule of law", Dworkin/Nagel seminar, New York University, School of Law.

"Schmitt v Dicey: Are States of Emergency Inside or Outside the Legal Order", Centre for Philosophy of Law seminar, Columbia University.

"The State of Emergency in Legal Theory", Philosophy Department, Regina, March.

2004

"Emerging from Self-Incurred Immaturity, seminar on "Global Administrative Law", New York University, School of Law.

"The State of Emergency in Legal Theory", conference on terrorism, National University of Singapore, June 2004.

"Disobeying Parliament? Privative Clauses and the Rule of Law", Centre for Constitutional Studies conference on Constitutions and Legislatures, Banff, July.

"The Logic of the Rule of Law – Lessons from Willis", conference on John Willis, Toronto, September.

"Consent, Legitimacy and the Foundation of Political and Legal Authority", conference on consent, University of Victoria, October.

"The Case for Public Investment in the Humanities", Conference on Higher Education, University of Toronto, November.

"The Constitution of Law", the JC Smuts Memorial Lectures delivered to the Law Faculty of the University of Cambridge, November. Four lectures given. Invited by the Faculty of Law.

"The State of Emergency in Legal Theory", Constitutional Theory Workshop, Law Faculty, Texas at Austin, November.

2003

"The Juristic Force of Injustice", Yaremko Conference, Toronto.

"The Deep Structure of *Roncarelli v Duplessis*', The Ivan Rand Lecture, University of New Brunswick, Faculty of Law.

"The Unwritten Constitution and the Rule of Law", Conference on Constitutionalism, University of Western Ontario.

"Constituting the Enemy: the *Australian Communist Party Case* and the Rule of Law", Conference on Militant Democracy, Central European University, Budapest.

"Intimations of Legality Amid the Clash of Arms", Emergency Powers Conference, Cardozo Law School.

"The Juristic force of Injustice", Conference on the Head Tax Case, Faculty of Law, University of Toronto.

"With the Benefit of Hindsight", Political Science Department, University of Minnesota.

2002

"With the Benefit of Hindsight", Law Foundation Lecture at the University of Auckland.

"Formalism's Hollow Victory", Faculty of Law, University of Otago, Faculty of Law, University of Auckland.

"Humpty Dumpty Rules or the Rule of Law", Australian Conference on Legal Philosophy, at the ANU, Canberra.

"The Genealogy of Legal Positivism", retirement conference for Alistair MacLeod, Queen's University.

"The Dilemma of Legality and the Moral Limits of Law", Legal Theory Workshop, Amherst College.

2001

"The Permanence of the Temporary", Security of Freedom Conference, University of Toronto.

"Judicial Independence, Transitional Justice and the Rule of Law", presented in different versions at:
- Act of Settlement Conference on Judicial Independence, Vancouver;
- American Political Science Association, San Francisco;
- Political Theory Workshop, Yale University;
- Conference on Transitional Justice, Centre for the Humanities, Chapel Hill, NC.

2000

"The Truth about Law", Conference on Truth and Justice, Department of Anthropology, Columbia.

"With the Benefit of Hindsight", McGill Legal Theory Workshop.

"With the Benefit of Hindsight", Georgetown Law Legal Theory Workshop.

"The Justice of Amnesty", Hull University, Conference on Justice and Amnesty.

"Justifying the Truth and Reconciliation Commission", Keynote Address, American Society for Social Philosophy, Waterloo, Canada.

"The Justice of the Common Law: Judges, Democracy and the Limits of the Rule of Law", Lecture, Rule of Law Series, Melbourne University.

"Hobbes and the Democratic Theory of Law", Central European University, Budapest.

1999

"Judging the Judges, Judging Ourselves", South African Students' Society, Cambridge University.

"With the Benefit of Hindsight", British South Africa Lawyers' Association, London.

"With the Benefit of Hindsight", Truth and Reconciliation Commission Conference, University of the Witwatersrand.

"With the Benefit of Hindsight", Central European University, Budapest.

"Carl Schmitt's Ethic of State", All Souls College, Oxford.

"Judging the Judges, Judging Ourselves", Faculty of Law, University of Warwick.

"Carl Schmitt's Critique of Liberalism", Law Faculty, European University Institute, Florence.

"Hermann Heller on the Rule of Law", Center for the Study of Democracy, University of Westminster.

1998

"Law As Justification", Central European University, Budapest.

"Judging the Judges, Judging Ourselves: Truth, Reconciliation, and the Apartheid Legal Order", Conference on Forgiveness and Mercy, Edinburgh University.

"Democracy and the Rule of Law", American Political Science Association, Boston.

"Judging the Judges, Judging Ourselves: Truth, Reconciliation, and the Apartheid Legal Order'" Ontario Philosophical Society, Queen's University, Kingston.

1997

"Judging the Judges, Judging Ourselves: Truth, Reconciliation, and the Apartheid Legal Order", Faculty of Law, University of Cape Town.

"Conscience and the Law - Liberal and Democratic Approaches", Philosophy Department, York University.

1996

"The Politics of Deference: Judicial Review and Democracy", Conference on The Province of Administrative Law, University of Saskatoon.

"Conscience and the Law - Liberal and Democratic Approaches", American Political Science Association, San Francisco.

"Holmes and Schmitt: An Unlikely Pair?", Conference on The Path of the Law, Brooklyn Law School.

1995

"Hermann Heller and the Legitimacy of Legality", Canadian Society for Political Theory.

Comment on Sypnowich, "Impartiality after difference", SSHRC Network on Citizenship.

Comment on Kane, "Conscience, Integrity, Science", Nomos meeting, American Philosophy Association, New York.

"Hermann Heller and the Legitimacy of Legality", American Political Science Association, Chicago.

"Hermann Heller and the Legitimacy of Legality", Philosophy Colloquium, Queen's University.

"Liberalism After the Fall", International Conference for Legal Philosophy, Bologna, Italy.

1994

"Now the Machine Runs Itself: Carl Schmitt on Hobbes and Kelsen", Political Theory Workshop, Yale University.

"Now the Machine Runs Itself: Carl Schmitt on Hobbes and Kelsen", Canadian Philosophical Association Meeting.

"Deprivatizing Privative Clauses", Panel on Administrative Law, Canadian Law Society Meeting.

Comment on Penrose, "Sandel and Okin"', Canadian Philosophical Society Meeting.

"Now the Machine Runs Itself: Carl Schmitt on Hobbes and Kelsen", Philosophy Department, Wilfred Laurier University.

1993

"Legal Philosophy in Weimar", Law Faculty, University of the Witwatersrand.

"Public Law in a Common Law System", two lectures in course on Anglo-American Public Law, Faculty of Law, University of Heidelberg.

"Comment on Tushnet", Conference on South Africa and Constitutionalism, Georgetown Law School.

"Now the Machine Runs Itself: Carl Schmitt on Hobbes and Kelsen", Cardozo Law School Legal
Theory Workshop.

1992

Response to critics at symposium on first edition of *Hard Cases in Wicked Legal Systems*,
Canadian Philosophical Association Meeting, Prince Edward Island.

1991

"Freedom of Expression: Prostitution, Pornography and Hate Propaganda", Philosophy
Department, Erindale College, University of Toronto.

Comment on C. Sypnowich, "How Seriously Should We Take Rights?", Canadian Philosophical
Association Meeting.

Comment on D. Lyons, "Critical Legal Analysis and Constructive Interpretation", Canadian
Philosophical Association Meeting, Kingston.

"The Politics of Executive-Mindedness", Law and Society Association, Amsterdam.

Comment on S. Ellman, "Law and Politics in South Africa"', Law and Society Association,
Amsterdam.

1990

"Why Positivism is Authoritarian", Law Faculty, University of the Witwatersrand.

"Democracy, Rights and the Law", Post-Apartheid Law Seminar, University of the
Witwatersrand.

"Liberalism, Pornography and the Rule of Law", Philosophy Department, University of Toronto.

"Liberalism, Pornography and the Rule of Law", Philosophy Colloquium, Queen's University,
Kingston.

1989

"The Disappearance of Law?", Edwin Nathan, Inc., Attorneys, Johannesburg, South Africa.

"Max Weber's Critique of Post-Modernism", Sociology Department, Queen's University, Kingston.

Comment on Jeremy Webber, "The Adjudication of Contested Social Values", Ontario Law Reform Commission Conference, Queen's University, Kingston.

"Security Law in South Africa", The Law Union of Ontario, 16th Annual Conference.

1987

"Hard Cases in Wicked Legal Systems", University of Lethbridge, Alberta.

"Hard Cases in Wicked Legal Systems", Queen's University, Kingston.

"Legality and Legitimacy: The Case of the South African Legal System", 12th Annual Conference on Research in Progress, Centre for Southern African Studies, University of York, England.

1984

"Models of Man, Approaches to Law, and Political Struggle", Law and Politics in Southern Africa Conference, Institute of Commonwealth Studies, London.