

ANDREW KOPPELMAN

John Paul Stevens Professor of Law
and Professor of Political Science
Northwestern University

Office: Northwestern University School of Law
357 East Chicago Avenue
Chicago, IL 60611-3069
(312) 503-8431

Home: 735 Clinton Place
Evanston, IL 60201
(847) 570-0059

Internet: akoppelman@northwestern.edu

Professional Experience:

Northwestern University, John Paul Stevens Professor of Law and Professor of Political Science, since 2007

Northwestern University, Professor of Law and Political Science, 2003-2007. Ranked twelfth (450 citations) in “50 most cited faculty who entered teaching since 1992,” 2002 Educational Quality Ranking of U.S. Law Schools, http://www.leiterrankings.com/faculty/2002faculty_impact_newprofs.shtml. Tied for #35 (87 citations per year) in “50 most cited faculty per year of law teaching, 2003-04,” http://www.leiterrankings.com/faculty/2003faculty_impact_citesyear.shtml.

University of Chicago, Visiting Professor of Law, spring, 2007.

Northwestern University, George C. Dix Professor of Constitutional Law, 2002-03.

Northwestern University, Associate Professor of Law and Political Science, 2000-03.

Northwestern University, Assistant Professor of Law and Political Science, 1997-2000.

University of Texas at Austin School of Law, Visiting Assistant Professor, spring, 1997.

Princeton University, Assistant Professor of Politics, 1992-97.

Chief Justice Ellen A. Peters, Connecticut Supreme Court, law clerk, 1991-92.

U.S. Senate Commerce Committee, Subcommittee on the Consumer, professional staff member specializing in product liability reform, January, 1986 - January, 1987.

U.S. Rep. William Patman, staff aide, summer 1984.

Education:

University of Chicago, A.B, Humanities, 1979.

General academic honors

Special honors for outstanding bachelor's thesis

First prize in McLaughlin competition for best undergraduate paper, 1977

Yale University, M.A., Political Science, 1986.

Yale Law School, J.D., 1989.

Finalist, Cardozo briefwriting prize, Moot Court, Spring 1989

Senior Editor, Yale Law Journal

John M. Olin Fellow in Law, Economics, and Public Policy, 1986-89

Yale University, Ph.D., Political Science, 1991.

Dissertation: "The Antidiscrimination Project: Foundations, Scope, Limits"

Edward S. Corwin Award for best dissertation in public law, American
Political Science Association, 1993

Prize for year's best paper by a graduate student, organized section on law,
American Political Science Association, 1990

Fellowships and honors:

University of Arizona, Sabbatical Visitors Program, 2009.

DePaul University College of Law, Enlund Distinguished Scholar in Residence, 2008.

Harvard University, Program in Ethics and the Professions, fellow, 1994-95.

National Endowment for the Humanities Summer Research Stipend, 1993.

Center for Studies in Law, Economics, and Public Policy, Yale Law School, summer
research fellow, 1991, 1990, 1988.

Publications:

Antidiscrimination Law and Social Equality, Yale University Press, 1996. Winner of
1997 Myers Center Award for outstanding work on intolerance in North
America.

The Gay Rights Question in Contemporary American Law, University of Chicago Press,
2002.

Same Sex, Different States: When Same-Sex Marriages Cross State Lines, Yale
University Press, 2006. Honorable mention, 2007 Myers Center Award.

A Right to Discriminate? How the Case of *Boy Scouts of America v. James Dale* Warped the Law of Free Association (with Tobias Barrington Wolff), Yale University Press, 2009.

"The Miscegenation Analogy: Sodomy Law as Sex Discrimination," 98 Yale L. J. 145 (1988).

"Forced Labor: A Thirteenth Amendment Defense of Abortion," 84 Northwestern U. L. Rev. 480 (1990). Cited as year's best graduate student paper, organized section on law, American Political Science Association.

"Sex Equality and/or the Family: From Bloom vs. Okin to Rousseau vs. Hegel," 4 Yale J. L. & Humanities 399 (1992).

"Why Discrimination Against Lesbians and Gay Men is Sex Discrimination," 69 N.Y.U. L. Rev. 197 (1994). Cited as one of the 25 most influential articles ever published in the N.Y.U. Law Review. See 75 N.Y.U. L. Rev. 1561 (2000) (commentary by David Richards).

"Gaze in the Military: A Response to Professor Woodruff," 64 University of Missouri-Kansas City Law Review 179 (1995).

"Same-sex Marriage and Public Policy: The Miscegenation Precedents," in symposium, "Federalism Revisited: Extraterritorial Recognition of Same-Sex Marriage," 16 Quinnipiac L. Rev. 105 (1996).

"The Miscegenation Precedents," in Andrew Sullivan, ed., Same-Sex Marriage, Pro and Con: A Reader, Vintage Books (1997). Reprinted in second edition (2004).

"Three Arguments for Gay Rights," book review of Robert Wintemute, Sexual Orientation and Human Rights, in 1997 Survey of Books Relating to the Law, 95 Michigan Law Review 1636 (1997).

"Homosexual Conduct: A Reply to the New Natural Lawyers," in John Corvino, ed., Same Sex: Debating the Ethics, Science and Culture of Homosexuality, Rowman and Littlefield (1997). Translated into Croatian in Igor Primorac, ed., Suvremena Filozofija Seksualnosti, KruZak (2003).

"Romer v. Evans and Invidious Intent," lead article in symposium on Romer v. Evans, 6 Wm. & Mary Bill of Rights J. 89 (1997).

"Dumb and DOMA: Why the Defense of Marriage Act is Unconstitutional," 83 Iowa L. Rev. 1 (1997).

"Is Marriage Inherently Heterosexual?," 42 Am. J. of Jurisprudence 51 (1997).

- "Same-Sex Marriage, Choice of Law, and Public Policy," 76 Texas L. Rev. 921 (1998).
- "Sexual and Religious Pluralism," in Martha Nussbaum and Saul Olyan, eds., Sexual Orientation and Human Rights in American Religious Discourse, Oxford U. Press (1998).
- "Akhil Amar and the Establishment Clause," 33 Univ. of Richmond L. Rev. 393 (1999).
- "Feminism and Libertarianism: A Response to Richard Epstein," 1999 U. of Chicago Legal Forum 115.
- "Why Gay Legal History Matters," book review of William N. Eskridge, Jr., Gaylaw, 113 Harvard L. Rev. 2035 (2000).
- "Talking to the Boss: On Robert Bennett and the Countermajoritarian Difficulty," 95 Northwestern U. L. Rev. 955 (2001).
- "Measured Endorsement" (with Shari Diamond), 60 Maryland L. Rev. 713 (2001).
- "On the moral foundations of legal expressivism," 60 Maryland L. Rev. 777 (2001).
- "The Miscegenation Analogy in Europe, or Lisa Grant meets Adolf Hitler," in Robert Wintemute and Mads Andenaes, eds., Legal Recognition of Same-Sex Partnerships: A Study of National, European and International Law, Hart Publishing, 2001.
- "Defending the Sex Discrimination Argument for Lesbian and Gay Rights: A Reply to Edward Stein," 49 U.C.L.A. L. Rev. 519 (2001). Reprinted in 1 The Dukeminier Awards: Best Sexual Orientation Law Review Articles of 2001 49 (2001).
- "Secular Purpose," 88 Va. L. Rev. 87 (2002).
- "Signs of the Times: Dale v. Boy Scouts of America and the Changing Meaning of Nondiscrimination," 23 Cardozo L. Rev. 1819 (2002).
- "The Right to Privacy?," 2002 U. of Chicago Legal Forum 105.
- "Discrimination Against Gays is Sex Discrimination" and "Reply to Richard Wilkins," both in Lynn D. Wardle et al., eds. Marriage and Same-Sex Unions: A Debate (Praeger 2003).
- "No Expressly Religious Orthodoxy: A response to Steven D. Smith," 78 Chi.-Kent L. Rev. 729 (2003).
- "How 'Decentralization' Rationalizes Oligarchy: John McGinnis and the Rehnquist

- Court,” 20 Constitutional Commentary 11 (2003).
- “Lawrence’s Penumbra,” 88 Minnesota Law Review 1171 (2004).
- “Civil Conflict and Same-Sex Civil Unions,” 14 The Responsive Community 20 (Spring/Summer 2004).
- “Are the Boy Scouts being as bad as racists? Judging the Scouts’ antigay policy,” 18 Public Affairs Quarterly 363 (2004).
- “The Fluidity of Neutrality,” 66 Review of Politics 633 (2004).
- “Interstate recognition of same-sex civil unions after Lawrence v. Texas,” 65 Ohio State Law Journal 1265 (2004).
- “Should Noncommercial Associations Have an Absolute Right to Discriminate?,” 67 Law and Contemporary Problems 27 (Autumn 2004).
- “Does Obscenity Cause Moral Harm?,” 105 Columbia L. Rev. 1635 (2005). Reprinted in Rodney Smolla, ed., First Amendment Handbook 2005-2006 (Thomson/West 2005).
- “Interstate recognition of same-sex marriages and civil unions: a handbook for judges,” 153 U. Pa. L. Rev. 2143 (2005). Reprinted in 2 Minn. Fam. L. J. (Nov./Dec. 2006).
- “The Decline and Fall of the Case Against Same-Sex Marriage,” 2 U. of St. Thomas L. J. 5 (2005).
- “Against Blanket Interstate Nonrecognition of Same-Sex Marriage,” 17 Yale J. L. & Feminism 205 (2005).
- “The Rule of Lawrence,” in Harry Hirsch, ed., The Future of Gay Rights in America (Routledge 2005).
- “Natural Law (New),” in Alan Soble, ed., Sex from Plato to Paglia: A Philosophical Encyclopedia (Greenwood 2006).
- “Drug Policy and the Liberal Self,” 100 Northwestern U. L. Rev. 279 (2006).
- “Reading Lolita at Guantanamo,” 53 Dissent 64 (Spring, 2006). Reprinted in Utne Reader, Sept./Oct. 2006, and 57 Syracuse L. Rev. 209 (2007).
- “Is it Fair to Give Religion Special Treatment?,” 2006 University of Illinois Law Review 571.

- “You Can’t Hurry Love: Why Antidiscrimination Protections for Gay People Should Have Religious Exemptions,” 72 Brooklyn L. Rev. 125 (2006).
- “Justice for Large Earlobes! A comment on Richard Arneson’s ‘What is Wrongful Discrimination?’,” 43 San Diego L. Rev. 809 (2006).
- “The Defense of Marriage Act: Federal Level,” in Mark Strasser, ed., Defending Same-Sex Marriage, v. 1: “Separate but Equal” No More, Praeger, 2007.
- “The Difference the Mini-DOMAs Make,” 38 Loyola L. Rev. 265 (2007).
- “Homosexuality and Infertility,” in Alan Soble & Nicholas Power, eds., Philosophy of Sex: Contemporary Readings, 5th ed., Rowman & Littlefield, 2007.
- “On Affirmative Action and ‘Truly Individualized Consideration’” (with Donald Rebstock), 101 Northwestern U. L. Rev. 1469 (2007). Available on World Wide Web as 101 Nw. U. L. Rev. Colloquy 49 (2006).
- “Eros, Civilization, and Harry Clor,” 31 N.Y.U. Rev. of Law & Social Change 855 (2007).
- “Free Speech and Pornography: A Response to James Weinstein,” 31 N.Y.U. Rev. of Law & Social Change 899 (2007).
- “Why Phyllis Schlafly is Right (But Wrong) About Pornography,” 31 Harvard J. Law & Public Policy 105 (2008).
- “The Limits of Strategic Litigation,” 17 L. & Sexuality 1 (2008).
- “Is Pornography ‘Speech’?,” 14 Legal Theory 71 (2008).
- “Expressive Association and the Ideal of the University in the Solomon Amendment Litigation” (with Tobias Barrington Wolff), 25 Soc. Phil. & Pol’y 92 (2008). Reprinted in Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul, eds., Freedom of Association, Cambridge University Press, 2008.
- “Religious Establishment and Autonomy,” 25 Constitutional Commentary 291 (2008).
- “Naked Strong Evaluation,” book review of Charles Taylor, A Secular Age, 56 Dissent 105 (Winter 2009).
- “The Troublesome Religious Roots of Religious Neutrality,” 84 Notre Dame L. Rev. 865 (2009).
- “Corruption of Religion and the Establishment Clause,” 50 Wm. & Mary L. Rev. 1831 (2009).

“The Limits of Constructivism: Can Rawls Condemn Female Genital Mutilation?,”
71 *Review of Politics* 459 (2009).

“Phony Originalism and the Establishment Clause,” 103 *Northwestern U. L. Rev.* 727
(2009).

“Madisonian Pornography or, The Importance of Jeffrey Sherman,” 84 *Chicago-Kent L.
Rev.* 597 (2009).

“Conscience, Volitional Necessity, and Religious Exemptions,” 15 *Legal Theory* 215
(2009).

Short pieces:

Book review of Harvard Law Review Editors, Sexual Orientation and the Law, *Federal
Bar News & Journal*, Jan./Feb. 1991.

"No Fantasy Island," *New Republic*, Aug. 7, 1995.

Book note on Mark Strasser, Legally Wed: Same-Sex Marriage and the Constitution,
109
Ethics 224 (1998).

“Full faith and credit,” in Roger K. Newman, ed., The Constitution and Its Amendments ,
v. 2, pp. 51-52 (Macmillan Reference, 1999).

“Symposium: Should the Government Recognize Same-Sex Marriage?,” 7 *U. Chi. Law
Sch. Roundtable* 1 (2000)(transcript of panel discussion).

“Baehr v. Miike,” in Leonard W. Levy and Kenneth L. Karst, eds., Encyclopedia of the
American Constitution, v. 1, p. 147 (Macmillan Reference, 2d ed. 2000).

“Let Seats Go Empty ,” *Fort Lauderdale Sun-Sentinel*, Dec. 18, 2000.

Book review of William N. Eskridge, Jr., Gaylaw, *Federal Lawyer*, Feb. 2003.

“Distorting the same-sex marriage decision,” *Chicago Tribune*, Nov. 23, 2003.
Reprinted in *San Francisco Chronicle* and *Fort Lauderdale Sun-Sentinel*.

“Amendment on Marriage? Ban Idea,” *New York Newsday*, Feb. 2, 2004
(coauthored with Steven Lubet). Reprinted in *Chicago Sun-Times*, *San
Francisco Chronicle*, *San Diego Union-Tribune*, *Houston Chronicle*, and
Portland Oregonian.

“The Legal Debate over Same-Sex Marriages,” 2005 Encyclopedia Britannica Book of the Year, pp. 206-07.

“Darwin inherits Galileo’s Detractors,” Chicago Tribune, Aug. 21, 2005.

“Clean water is symbol of the power of the people,” San Francisco Chronicle, July 23, 2006 (coauthored with David Dana).

“States will have to recognize same-sex relationships,” Chicago Sun-Times, Nov. 18, 2006. Reprinted in Fort Lauderdale Sun-Sentinel.

“Secular Purpose,” in Paul Finkelman, ed., Encyclopedia of American Civil Liberties, v. 3, pp. 1438-39, Routledge, 2006.

“The jerk on the Pace bus: It’s the bus company itself,” Chicago Tribune, April 10, 2007.

“The next attorney general? How about our man from Northwestern,” Chicago Sun-Times, Sept. 2, 2007 (coauthored with Steven Lubet).

Online debate on same-sex marriage, Aug. 6, 2008, available at <http://www.fed-soc.org/debates/dbtid.24/default.asp>.

“Learning from the Past,” Lawdragon.com, Nov. 11, 2008, available at http://www.lawdragon.com/index.php/newdragon/fullstory/learning_from_the_past/.

Frequent contributions to Balkinization blog, <http://www.balkin.blogspot.com/>.

Forthcoming:

“Forced Labor, Revisited: The Thirteenth Amendment and Abortion,” in Alexander Tsesis, ed., The Promises of Liberty: The History and Contemporary Relevance of the Thirteenth Amendment, Columbia University Press, 2010.

“The New American Civil Religion: Lessons for Italy,” George Washington Int’l L. Rev. (2010).

“Why Jack Balkin is Disgusting,” Constitutional Commentary (2010).

“The Nonproblem of Fundamentalism,” Wm. & Mary Bill of Rights J. (2010).

First Amendment Stories, editor (with Richard Garnett), Foundation Press, 2011.

“The Story of *Welsh v. United States*: Elliott Welsh’s Two Religious Tests,” in Andrew Koppelman and Richard Garnett, eds., First Amendment Stories, Foundation Press, 2011.

In progress:

Religious Neutrality in American Law

Must Gay Rights Conflict With Religious Liberty? (with George W. Dent, Jr.)

“Darwall, Habermas, and the Fluidity of Respect”

“Careful With that Gun: The New (?) Arguments Against Gay Rights and Same-Sex Marriage”

“Veil of Ignorance: The Limits of Constructivism in Free Speech Theory”

“DOMA, Romer, and Rationality”

Bar Membership:

Connecticut, admitted 1990

New York, admitted 1991

Presentations:

"Why Discrimination Against Gays is Sex Discrimination," California and Rocky Mountain American Studies Associations joint annual meeting, Reno, Nevada, May 1, 1993.

"Why Discrimination Against Gays is Sex Discrimination," American Political Science Association annual meeting, Washington, D.C., Sept. 3, 1993.

"Why Discrimination Against Gays is Sex Discrimination," Northeastern Political Science Association meeting, Newark, N.J., Nov. 12, 1993.

“The Antidiscrimination Project,” Northeastern University Law School Faculty Workshop, Boston, Oct. 28, 1993.

"Why Discrimination Against Gays is Sex Discrimination," Indiana University School of Law - Bloomington Faculty Workshop, March 4, 1994.

"Why Discrimination Against Gays is Sex Discrimination," Stonewall at 25 conference, Harvard Law School, April 9, 1994.

"Why Discrimination Against Gays is Sex Discrimination," American Political Science Association annual meeting, New York City, Sept. 2, 1994.

"Why Discrimination Against Gays is Sex Discrimination," National Gay and Lesbian Lawyers Association annual meeting, Portland, Oregon, October 22, 1994.

"Is Discrimination Against Lesbians and Gay Men Sex Discrimination?", Association of American Law Schools annual meeting, New Orleans, January 8, 1995.

"Same-Sex Marriage and the Idea of Nonestablishment," conference on Sexual Orientation and Human Rights in the Major Religious Traditions, Brown University, April 8, 1995.

"Same-Sex Marriage and the Idea of Nonestablishment," Politics, Ethics, and Public Affairs workshop, Princeton University, September 21, 1995.

"Is Marriage Inherently Heterosexual?", Stanford Program in Ethics and Society, January 23, 1996.

"Is Marriage Inherently Heterosexual?", Duke Law School Faculty Workshop, February 1, 1996.

"Why Discrimination Against Lesbians and Gay Men is Sex Discrimination," Princeton alumni association, Boston, April 28, 1996.

"Reverse Discrimination and the Purposes of Antidiscrimination Law," American Political Science Association annual meeting, San Francisco, Aug. 31, 1996.

"Same-Sex Marriage and Public Policy: The Miscegenation Precedents," conference on Federalism Revisited: Extraterritorial Recognition of Same-Sex Marriage, Quinnipiac College School of Law, Hamden, Conn., Sept. 6, 1996.

"Romer v. Evans and Invidious Intent," Association of American Law Schools Annual Meeting, Washington, D.C., Jan. 6, 1997.

"Same-Sex Marriage, Choice of Law, and Public Policy," University of Texas School of Law Legal Theory Workshop, Jan. 17, 1997.

"Three Arguments for Gay Rights," New York University Colloquium on Constitutional Theory, March 13, 1997.

"Three Arguments for Gay Rights," Duke University Society of Fellows, Oct. 16, 1997.

"The Case for the Employment Non-Discrimination Act," Duke University Center for Lesbian, Gay & Bisexual Life, Oct. 17, 1997.

"Three Arguments for Gay Rights," Kaplan Center for the Humanities, Northwestern University, Nov. 10, 1997.

“Sexual and Religious Pluralism,” Law & Philosophy Workshop, University of Chicago, Nov. 17, 1997.

“Three Arguments for Gay Rights,” Evergreen State College, Olympia, Washington, Feb. 12, 1998.

“Is Marriage Inherently Heterosexual?,” debate with Prof. Gerard Bradley of Notre Dame School of Law, Federalist Society, Detroit College of Law, Michigan State University, E. Lansing, Michigan, March 2, 1998.

“Romer v. Evans and Invidious Intent,” Northwestern University School of Law Faculty Workshop, March 10, 1998.

“Romer v. Evans and Invidious Intent,” Boston University Institute for Race and Social Division, May 1, 1998.

“Immutability and Relevance,” American Philosophical Association, Central Division Meeting, Chicago, May 9, 1998.

“Feminism and libertarianism: A response to Richard Epstein,” Law and Feminism conference, University of Chicago, November 14, 1998.

“Secular Purpose,” Northwestern University School of Law Faculty Workshop, December 14, 1998.

“Sexual orientation discrimination as sex discrimination: Answering the objections,” American Philosophical Association, Eastern Division Meeting, Washington, D.C., Dec. 30, 1998.

“Sexual orientation discrimination as sex discrimination: Answering the objections,” Freedom to Marry conference, Harvard Law School, Feb. 13, 1999.

“Same-Sex Marriage, Choice of Law, and Public Policy,” Legal Recognition of Same-Sex Partnerships: A Study of National, European and International Law, Kings College, University of London, July 1, 1999.

“The fluidity of neutrality,” Columbia University School of Law Legal Theory Workshop, Sept. 27, 1999.

“The fluidity of neutrality,” Rutgers-Camden Legal Theory Workshop, Oct. 11, 1999.

“The fluidity of neutrality,” UCLA School of Law, December 6, 1999.

“The fluidity of neutrality,” University of Chicago Political Theory Workshop, Jan. 17, 2000.

“Secular Purpose,” Cumberland School of Law Colloquium on Law, Religion, and Culture, Birmingham, Alabama, March 3, 2000.

“Himma vs. Raz on Legitimate Authority,” American Philosophical Association Annual Meeting, Chicago, April 21, 2000.

“Privacy and the Enforcement of Morals,” Law & Philosophy Workshop, University of Chicago, May 22, 2000.

“Privacy and the Enforcement of Morals,” Northwestern University School of Law Faculty Workshop, July 18, 2000.

“The Unhelpful Right to Privacy,” University of Chicago School of Law Faculty Workshop, July 20, 2000.

“Measured Endorsement” (coauthored with Shari Diamond), Conference on “The Expressive Dimension of Government Action: Philosophical and Legal Perspectives,” Univ. of Maryland School of Law, Oct. 13-14, 2000.

“Privacy and the Enforcement of Morals,” DePaul University College of Law Faculty Workshop, Feb. 12, 2001.

“Privacy and the Enforcement of Morals,” Loyola University School of Law Faculty Workshop, April 3, 2001.

“The Boy Scouts, Gays, and the Freedom Not to Associate,” American Philosophical Association, Minneapolis, Minn., May 5, 2001.

“Gay Marriage and the Judges,” Law and Society Association Annual Meeting, Budapest, Hungary, July 4, 2001.

“Signs of the Times: Dale v. Boy Scouts of America and the Changing Meaning of Nondiscrimination,” Northwestern University School of Law Faculty Workshop, Sept. 27, 2001.

“The Right to Privacy?”, Conference on the Scope of Equal Protection, University of Chicago, Oct. 27, 2001.

“The Boy Scouts, Gays, and the Freedom Not to Associate,” debate with Prof. Richard Epstein of the University of Chicago, Federalist Society, Northwestern University School of Law, Jan. 29, 2002.

“Essentially malign prejudices: The case of the boy scouts,” University of Chicago OutLaw, Feb. 5, 2002.

“Essentially malign prejudices: The case of the boy scouts,” Conference on the Study of Political Thought, Chicago chapter, Feb. 19, 2002.

“Are the Boy Scouts as bad as racists? Judging the Scouts’ antigay policy.” Albany Law School faculty workshop, Apr. 11, 2002.

“Is Marriage Inherently Heterosexual?”, debate with Prof. Gerard Bradley of Notre Dame School of Law, Federalist Society and OutLaw, Yale Law School, Apr. 25, 2002.

“Drug policy and the liberal self,” Northwestern University law and property colloquium, July 17, 2002.

"How ‘decentralization’ rationalizes oligarchy: John McGinnis and the Rehnquist Court," Northwestern University School of Law Faculty Workshop, Sept. 10, 2002.

“Sexual orientation discrimination as sex discrimination: Answering the objections,” Conference on Assimilation and Resistance: Emerging Issues in Law and Sexuality, Seattle University School of Law, Sept. 20, 2002.

“How the Constitution Protects Freedom of Association,” Duke Law School Annual Public Law Conference, Dec. 14, 2002.

“How bad arguments will win the Lawrence case,” symposium on “Government in Your Bedroom,” University of Minnesota School of Law, Feb. 20, 2003.

“Lawrence’s Penumbra,” conference on “Privacy and Identity,” DePaul University College of Law, March 13, 2003.

“Measure for Measure and morals laws,” panel on “Elizabethan culture wars,” Next Theatre, Evanston, Ill., April 19, 2003.

“Against Clarity in the Law of Freedom of Association,” University of Minnesota School of Law, April 24, 2003.

“Pornography for the Whole Family,” Law & Philosophy Workshop, University of Chicago, Oct. 13, 2003.

“Should the Constitution Be Amended to Prohibit Same-Sex Marriage?”, debate with Prof. Gerard Bradley of Notre Dame School of Law, Federalist Society and OutLaw, Northwestern University School of Law, Oct. 29, 2003.

“Interstate recognition of same-sex civil unions after Lawrence v. Texas,” symposium on “Equality, Privacy and Lesbian and Gay Rights after Lawrence v. Texas,” Moritz College of Law at Ohio State University, Nov. 7, 2003.

“What Lawrence v. Texas Means,” University of Michigan School of Law, Nov. 13, 2003.

“Is Marriage Inherently Heterosexual?”, debate with Prof. Lynn Wardle of Brigham Young University School of Law, Federalist Society, University of Chicago, Nov. 18, 2003.

“Lawrence’s Penumbra,” symposium on “Gay Rights after Lawrence v. Texas,” University of Minnesota School of Law, Nov. 22, 2003.

“Comments on Rick Garnett,” conference on Integration, Difference, and Citizenship, UCLA School of Law, Jan. 30, 2004.

“Same-Sex Marriage: Constitutionally Right?”, debate with Prof. Lynn Wardle of Brigham Young University School of Law, Federalist Society, Detroit College of Law, Michigan State University, E. Lansing, Michigan, Feb. 12, 2004.

“The Two Debates Over Same-Sex Marriage,” Notre Dame School of Law, Feb. 25, 2004.

“The Two Debates Over Same-Sex Marriage,” conference on “Same-Sex Marriage: Law and Politics,” University of California at Berkeley Institute of Governmental Studies, April 19, 2004.

"Does Obscenity Cause Moral Harm?," Northwestern University School of Law Faculty Workshop, May 20, 2004.

“Gay Marriage and the Judges, Revisited,” Law and Society Association Annual Meeting, Chicago, May 29, 2004.

“The Decline and Fall of the Case Against Same-Sex Marriage,” U. of St. Thomas School of Law, Minneapolis, Sept. 24, 2004.

“The Decline and Fall of the Case Against Same-Sex Marriage,” Notre Dame Law School Faculty Workshop, Oct. 14, 2004.

“Interstate recognition of same-sex marriages and civil unions: a handbook for judges,” University of Pennsylvania School of Law, Nov. 12, 2004.

“Against Blanket Interstate Nonrecognition of Same-Sex Marriage,” Yale Law School, March 5, 2005.

“Does Obscenity Cause Moral Harm?”, Association for the Study of Law, Culture, and the Humanities, Austin, Texas, March 11, 2005.

“Against Blanket Interstate Nonrecognition of Same-Sex Marriage,” conference on “Same-Sex Marriage: On the Frontiers of Legal and Social Change,” Bowling Green State University, Bowling Green, Ohio, April 15, 2005.

“Comments on Chai Feldblum,” conference on Justice Blackmun and Judicial Biography, Brooklyn Law School, Sept. 16, 2005.

“Interstate Recognition of Same-Sex Marriage,” plenary session of Lavender Law Conference, San Diego, Calif., Oct. 27-29, 2005.

“The Difference the Mini-DOMAs Make,” conference on the Constitutional and Legal Issues Presented by Same-Sex Relationships, Loyola University Chicago School of Law, March 31, 2006.

“The Future of Obscenity Doctrine,” conference on Problems of Censorship in a New Technological Age, NYU School of Law, April 3, 2006.

“Justice for Large Earlobes! A comment on Richard Arneson’s ‘What is Wrongful Discrimination?’,” conference on “The Rights and Wrongs of Discrimination,” University of San Diego School of Law, April 28-29, 2006.

“Howl and Moral Harm,” conference on “Allen Ginsberg’s Howl: A 50th Anniversary Celebration,” Northwestern University, May 16, 2006.

“Eros, Civilization, and Harry Clor,” Kenyon College, Oct. 19, 2006.

“When Same-Sex Marriages Cross State Lines,” NYU School of Law, Nov. 30, 2006.

“Constitutional Dimensions of the *Miller-Jenkins* Case,” Cardozo School of Law, Nov. 30, 2006.

“The Limits of Strategic Litigation,” Tulane Law School, Jan. 27, 2007.

“Why Phyllis Schlafly is Right (But She’s Wrong) About Pornography,” Federalist Society annual student symposium, Northwestern University School of Law, Feb. 24, 2007.

“Moralism and Perfectionism in Political Liberalism,” Midwest Faculty Seminar: John Rawls’s *A Theory of Justice*, University of Chicago, March 2, 2007.

“Conscience, Volitional Necessity, and Religious Exemptions,” World Congress of Constitutional Law, Athens, Greece, June 14, 2007.

“Expressive Association and the Ideal of the University in the Solomon Amendment Litigation,” Center for Social Philosophy and Policy, Conference on Freedom of Association, La Jolla, Cal., June 23, 2007.

“Author Meets Readers: Same Sex, Different States,” Law and Society Association, Berlin, Germany, July 26, 2007.

“The unnecessary conflict between gay rights and religion,” plenary session of Lavender Law Conference, Chicago, Sept. 8, 2007.

“Conscience, Volitional Necessity, and Religious Exemptions,” Emory University School of Law faculty workshop, Oct. 24, 2007.

“Same Sex, Different States,” Northwestern University Gay and Lesbian Alumni Association, San Francisco, Nov. 8, 2007.

“The Troublesome Religious Roots of Religious Neutrality,” Law and Religion Section, Association of American Law Schools annual meeting, Jan. 4, 2008.

“The Boy Scouts, Gay Rights, and Freedom of Association,” Enlund Distinguished Scholar in Residence Lecture, DePaul University College of Law, March 27, 2008.

“The Troublesome Religious Roots of Religious Neutrality,” DePaul University College of Law faculty workshop, March 27, 2008.

“The Limits of Public Morality?”, Emory University School of Law, April 18, 2008.

“Phony Originalism and the Establishment Clause,” conference on Original Ideas About Originalism, Northwestern University School of Law, April 24, 2008.

“The Limits of Constructivism: Rawls, Habermas, and Sex,” conference on Moral Conflict and the Free Society, Princeton University, May 12, 2008.

“Freedom of Expression from an American Perspective,” 7th Transatlantic Conference: Freedom of Expression, Brussels, Belgium, May 28, 2008.

“Religious Establishment and Autonomy,” conference on Kent Greenawalt’s Religion and the Constitution, Notre Dame School of Law, Oct. 10, 2008.

“Free Speech and Antidiscrimination Law,” Federalist Society National Lawyers Convention, Washington, D.C., Nov. 21, 2008.

“Corruption of Religion and the Establishment Clause,” Law & Philosophy Workshop, University of Chicago, Jan. 12, 2009.

“Consequences of State Defense of Marriage Acts,” Tulane Law School, Feb. 13, 2009.

“Corruption of Religion and the Establishment Clause,” University of Arizona Faculty Enrichment Forum, Feb. 24, 2009.

“The New American Civil Religion: Comment on Alessandro Ferrari,” conference on Civil Religion in the United States and Europe, Brigham Young University, March 13, 2009.

“Madisonian Pornography, or, The Importance of Jeffrey Sherman,” Seton Hall University School of Law faculty colloquium, March 23, 2009.

“The Future of Same-Sex Marriage,” University of Illinois Family Law Society, Champaign, Apr. 13, 2009.

“Forced Labor, Revisited: The Thirteenth Amendment and Abortion,” conference on Slavery, Abolition, and Human Rights: Interdisciplinary Perspectives on the Thirteenth Amendment, University of Chicago, Apr. 18, 2009.

Comment on John Oberdiek, “Choice, Value, and the Perfection of Distributive Justice,” Northwestern Society for Ethical Theory and Political Philosophy conference, Apr. 25, 2009.

“Passive Secularism as Active Management of Religion,” State Management of Islam conference, Buffett Center, Northwestern University, May 1, 2009.

“Phony Originalism and the Establishment Clause,” Chicago Bar Association, Oct. 2, 2009.

“Must Gay Rights Conflict With Religious Liberty?” Shaking the Foundations 11th Annual Conference, Stanford Law School, Oct. 16, 2009.

“Fundamentalism and Misplaced Anticlericalism,” conference on Families, Fundamentalism, and the First Amendment, William and Mary School of Law, Nov. 6, 2009.

“Must Gay Rights Conflict With Religious Liberty?” (with George W. Dent, Jr.), Princeton University, Dec. 4, 2009.

“Sexual-Orientation Discrimination and Moral Compromise,” American Philosophical Association Eastern Division Annual Meeting, New York, N.Y., Dec. 28, 2009.

Press appearances:

Quoted in New York Times, Washington Post, Wall Street Journal, Chicago Tribune, Boston Globe, New Republic, and many others. Appeared on NBC Today Show, Chicago Tonight, Fox Chicago Perspective, WBEZ Odyssey, NPR All Things Considered, NPR To The Point, NPR On the Media, Against the Grain, At Issue, The Diane Rehm Show, Jerry Springer on the Radio, and many others.

Editorial responsibilities:

Referee for Harvard University Press, Yale University Press, Princeton University Press, the University of Chicago Press, Columbia University Press, Oxford University Press, Cambridge University Press, Cornell University Press, Routledge Press, New York University Press, *Review of Politics, Law and Social Inquiry, Ethics, Political Theory, Public Affairs Quarterly, Polity*, and the National Endowment for the Humanities.

Other activities:

Expert consultant, *Zappone v. Revenue Commissioners (Ireland)*, Oct. 2006.