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## Keith J. Bybee

### Professor, Political Science

Paul E. and Hon. Joanne F. Alper '72 Judiciary Studies Professor, (Law)  
Director, Institute for the Study of the Judiciary, Politics, and the Media  
[Senior Research Associate, Campbell Public Affairs Institute](#)

#### Degree

Ph.D., University of California, San Diego, 1995

#### Specialties

Public law, the judicial process, the politics of race, legal theory, and political philosophy

#### Courses

Elements of Law  
Constitutional Law (in PSC and at College of Law)  
Law Politics, and the Media  
Second Year Research/Writing Seminar  
Political Argument and Reasoning  
Civil Liberties  
Judicial Politics  
Constitutional Democracy in America  
Political Science Research Workshop

#### Publications

##### Books:

All Judges Are Political – Except When They Are Not: Acceptable Hypocrisies and the Rule of Law. Stanford: Stanford University Press, 2010.  
Bench Press: The Collision of Courts, Politics, and the Media. Edited volume. Stanford: Stanford University Press, 2007.  
Mistaken Identity: The Supreme Court and the Politics of Minority Representation, Princeton: Princeton University Press, 1998. Second printing, 2002.

##### Articles, Book Chapters, and Critical Essays:

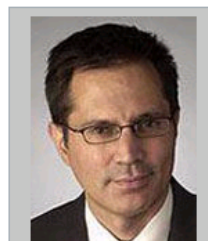
"The Supreme Court: An Autobiography," *Studies in Law, Politics, and Society* 61(2013): 179-201. Co-authored with Angela Narasimhan.

"Open Secret: Why the Supreme Court has Nothing to Fear from the Internet," 88 *Chicago-Kent Law Review* 309 (2013).

"The Limits of Debate or What We Talk About When We Talk About Gender Imbalance on the Bench," 2012 *Michigan State Law Review* 1481 (2012).

"Paying Attention to What Judges Say: New Directions in the Study of Judicial Decisionmaking," *Annual Review of Law and Social Science* 8(2012): 69-84.

"Judging in Place: Architecture, Design, and the Operation of Courts," *Law & Social Inquiry* 37(2012):1014-28.



#### Contact Information

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#### Curriculum Vitae

[Keith Bybee CV](#)

"The Rule of Law is Dead! Long Live the Rule of Law!," in *What's Law Got To Do With It? What Judges Do, Why They Do It, and What's at Stake*, Charles Gardner Geyh, ed. (Stanford: Stanford University Press, 2011): 306-27.

"Will the Real Elena Kagan Please Stand up? Conflicting Public Images in the Supreme Court Confirmation Process," *Wake Forest Journal of Law and Policy* 137 (2011).

"Efficient, Fair, and Incomprehensible: How the State 'Sells' its Judiciary," *Law & Policy* 33(2011): 1-26. Co-authored with Heather Pincock.

"Legalizing Public Reason: The American Dream, Same-Sex Marriage, and the Management of Radical Disputes," *Studies in Law, Politics, and Society* 49(2009): 125-56. Co-authored with Cyril Ghosh.

"The Polite Thing To Do," in *The Future of Gay Rights in America*, H.N. Hirsch, ed. (New York: Routledge, 2005): 297-302.

"Legal Realism, Common Courtesy, and Hypocrisy," *Law, Culture, and the Humanities* 1(2005): 75-102.

"The Liberal Arts, Legal Scholarship, and the Democratic Critique of Judicial Power," in *Legal Scholarship in the Liberal Arts*, Austin Sarat, ed. (Ithaca: Cornell University Press, 2004): 41-68.

"The Jurisprudence of Uncertainty," *Law & Society Review* 35 (2001): 501-14.

"The Political Significance of Legal Ambiguity: The Case of Affirmative Action," *Law & Society Review* 34 (2000): 263-90.

"Democratic Theory and Race-Conscious Redistricting: The Supreme Court Constructs the American Voter," in *The Supreme Court in American Politics: New Institutional Approaches*, Howard Gillman and Cornell W. Clayton, eds. (Lawrence: University of Kansas Press, 1999): 219-34.

"Splitting the Difference: The Representation of Ideas and Identities in Modern Democracy," *Law & Social Inquiry* 22 (1997): 389-403.

"Essentially Contested Membership: Racial Minorities and the Politics of Inclusion," *Legal Studies Forum* 21 (1997): 469-83.

#### **Edited Symposia:**

"The Importance of Judicial Appearances: A Symposium on Law, Politics, and the Media," *Syracuse Law Review* (2009): 361-469.

"Creators vs. Consumers: The Rhetoric, Reality and Reformation of Intellectual Property Law and Policy," *Syracuse Law Review* (2008): 427-546.

Symposium on "Queer (Theory) Eye for the Straight (Legal) Guy," by Susan Burgess, *Political Research Quarterly* (September 2006): 401-18.

"Citizenship At Home and Abroad: A Symposium," *International Studies Review* 7 (2005): 503-524.

#### Reviews, Commentaries, and Other Publications:

Electing Judges: The Surprising Effects of Campaigning on Judicial Legitimacy, James L. Gibson, *Law and Politics Book Review* 22 (October 2012): 477-81.

"U.S. Public Perception of the Judiciary: Mixed Law and Politics," *Jurist*, April 10, 2011. Available at <http://jurist.org/forum/2011/04/us-public-perception-of-the-judiciary-mixed-law-and-politics.php>.

The Hart-Fuller Debate in the Twenty-First Century, by Peter Cane (ed.), *Law and Politics Book Review* 21 (April 2011): 214-18.

"Politics or Impartiality in the Courtroom?," *Washington Post*, January 3, 2011. Available at [http://voices.washingtonpost.com/political-bookworm/2011/01/politics\\_or\\_impartiality\\_in\\_th.html](http://voices.washingtonpost.com/political-bookworm/2011/01/politics_or_impartiality_in_th.html).

"Judicial Ethics: Appearances Still Matter," *Jurist*, October 18, 2010. Available at <http://jurist.org/forum/2010/10/judicial-ethics-appearances-still-matter.php>.

"Kagan Delay Hypocrisy," *Washington Post*, July 14, 2010. Available at [http://voices.washingtonpost.com/political-bookworm/2010/07/kagan\\_delay\\_hypocrisy.html#more](http://voices.washingtonpost.com/political-bookworm/2010/07/kagan_delay_hypocrisy.html#more).

"Kagan's Confirmation: Conflicting Imagery," *Jurist*, June 28, 2010. Available at <http://jurist.org/forum/2010/06/kagans-confirmation-conflicting-imagery.php>.

The Lost Promise of Civil Rights, Risa L. Goluboff, *Law and Politics Book Review* 17 (August 2007): 659-62.

"The Media's Role In Selecting Impartial Justices," *Public Eye CBSNews.com*, October 27, 2006. Available at [http://www.cbsnews.com/8301-500486\\_162-2130543-500486.html](http://www.cbsnews.com/8301-500486_162-2130543-500486.html).

The Gift of Science: Leibniz and the Modern Legal Tradition, Roger Berkowitz, *Law and Politics Book Review* 16 (August 2006): 608-11.

"All Judges Are Political Actors – Except When They Aren't," Knight Ridder/Tribune, December 14, 2005. Co-authored with Jeffrey Stonecash. Available at [http://www1.maxwell.syr.edu/campbell/programs/The\\_Maxwell\\_Poll/](http://www1.maxwell.syr.edu/campbell/programs/The_Maxwell_Poll/).

"How Would You Know a Virtuous Citizen If You Saw One?," in *Constructing Civic Virtue: A Symposium on the State of American Citizenship*, Syracuse, NY: Campbell Public Affairs Institute, The Maxwell School of Syracuse University, 2003. Re-printed in *International Journal of Public Administration* 30 (2007): 683-86.

The Political Use of Racial Narratives: School Desegregation in Mobile, Alabama, 1954-97, Richard A. Pride, *Law and Politics Book Review* 14 (June 2004): 393-95.

Race and Redistricting: The Shaw-Cromartie Cases, Tinsley E. Yarbrough, *Law and Politics Book Review* 13 (January 2003).

Freedom and Time: A Theory of Constitutional Self-Government, Jed Rubenfeld, *Journal of Politics* 64 (February 2002): 270-2.

American Legal Thought from Premodernism to Postmodernism, Stephen M. Feldman, *Law and Politics Book Review* 10 (April 2000): 287-90.

Race and Redistricting in the 1990s, Bernard Grofman (ed.), *Law and Politics Book Review* 6 (June 1999): 236-38.

To Secure These Rights: The Declaration of Independence and Constitutional Interpretation, Scott Douglas Gerber, *Political Science Quarterly* 111 (Summer 1996): 375-6.

The Rooster's Egg: On the Persistence of Prejudice, Patricia J. Williams, *Law and Politics Book Review* 4 (April 1996): 68-70.

#### **Works-in-progress:**

"Courts and Judges: The Legitimacy Imperative and the Importance of Appearances" (co-authored with Angela Narasimhan) for inclusion in *The Wiley Handbook of Law and Society*, Austin Sarat and Patricia Ewick, eds.

"Justice Stewart Meets the Press" for inclusion in *Judging Free Speech: First Amendment Jurisprudence of U.S. Supreme Court Justices*, Helen J. Knowles and Steven B. Lichtman, eds.

"Muckraking the United States Supreme Court" forthcoming in *Oñati Socio-Legal Series Journal*.

#### **Research Interests**

American public law, legal and political theory, American politics, cultural studies, LGBT politics, and the politics of race.

#### **Research Projects**

An examination of how ambiguity and the appearance of hypocrisy sustain the exercise of legal power in the United States.

#### **SU Affiliations**

[The Institute for the Study of the Judiciary, Politics, and the Media \(IJPM\)](#)

[Campbell Public Affairs Institute](#)

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