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Born September 1, 1941

Education

B.A. Stanford, 1963
B.A. Oxford, 1965 (Marshall Scholar)
LLB Yale Law School, 1968
LLD (hon.) Chicago-Kent Law School, 1998

Employment

1968-69: Law clerk to Judge J. Skelly Wright, U. S. Court of Appeals for the District of Columbia

1969-70: Law clerk to Justice Thurgood Marshall, Supreme Court of U.S.

1970-71: Staff attorney, Washington Research Project, Washington, D.C.

1971-present: Faculty, Stanford Law School; Nelson Bowman Sweitzer and Marie B. Sweitzer Professor since 1990

Honors and Awards

Fellow, American Academy of Arts and Sciences

Principal Publications

BOOKS

THE LEGAL ENFORCEMENT OF MORALITY (New York, Alfred Knopf, 1983) (editor, with introductory essay).

THE WALLACE STEVENS CASE: LAW AND THE PRACTICE OF POETRY (Cambridge, Mass., Harvard University Press, 1991).

ARTICLES

The First Virtue (review-essay on John Rawls's A THEORY OF JUSTICE), 25 Stanford Law Review 286-327 (1973).

Do We Have an Unwritten Constitution? 27 Stanford Law Review 703-718 (1975).

Property and Need: The Welfare State and Theories of Distributive Justice, 28 Stanford Law Review 877-902 (1976).

Procedural Justice and Substantive Rights, NOMOS XVIII: DUE PROCESS 182-205 (1977).

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The Hermeneutics File, 58 Southern California Law Review 211-236 (1985).

The Malthusian Constitution (review-essay on Richard Epstein's TAKINGS), 41 University of Miami Law Review 21-48 (1986).

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The Uses of an Unwritten Constitution, 64 Chicago-Kent Law Review 211-238 (1988).

Holmes and Legal Pragmatism, 41 Stanford Law Review 787-870 (1989).

Steel Against Intimation: The Motive for Metaphor of Wallace Stevens, Esq., 2 Yale Journal of Law & the Humanities 231-252 (1990).

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What Good is Legal Pragmatism?, in M. Brint and W. Weaver (eds.), PRAGMATISM IN LAW AND SOCIETY 9-27 (Boulder, Colo., Westview Press, 1991).

Holmes, Pragmatism, and Democracy (The O'Fallon Memorial Lecture), 71 Oregon Law Review 521-542 (1992).

Thayer's Doctrine: Notes on Its Origin, Scope, and Present Implications, 88 Northwestern Law Review 28-41 (1993).

Molecular Motions: The Holmesian Judge in Theory and Practice, 37 William and Mary Law Review 19-45 (1995).

How to Write a Speech Code Without Really Trying: Reflections on the Stanford Experience, 29 U. C. Davis Law Review 891-956 (1996)

Freestanding Legal Pragmatism, 18 Cardozo Law Review 21-42 (1996), also in Morris Dickstein (ed.), THE REVIVAL OF PRAGMATISM (Durham and London, Duke University Press, 1998).

Hardwick v. Bowers Diminished, 68 University of Colorado Law Review 373-386 (1996).

Modern American Legal Thought, 106 Yale Law Journal 493-517 (1996).

Plotting *The Path of the Law*, 63 Brooklyn Law Review 19-58 (1997).

Cover-Blindness, 88 California Law Rev. 65-75 (2000).

Holmes on the Logic of the Law, in Steven Burton, editor, *THE PATH OF THE LAW AND ITS INFLUENCE* 133-157 (Cambridge University Press, 2000).

Accidental Torts, 54 Vanderbilt Law Review 1225-1284 (2001).

Judicial Review and Legal Pragmatism, 38 Wake Forest Law Review 473-511 (2003).