James Q. Whitman

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CURRENT POSITION

Ford Foundation Professor of Comparative and Foreign Law, Yale University

EDUCATION

Yale Law School	J.D., 1988 Senior Editor, Yale Law Journal
University of Chicago	Ph.D. (Intellectual History), 1987 Doctoral Dissertation: "Rule of Roman Law in Romantic Germany, 1790-1860" Dissertation Advisor: Arnaldo Momigliano
Columbia University	M.A. (European History), 1982
Yale University	B.A. summa cum laude, 1980 Graduated with Distinction in Comparative Literature

EMPLOYMENT

1994 - Present	Professor of Law, Yale University Ford Foundation Professor of Comparative and Foreign Law since 1996
Spring, 2009	Michel Villey Visiting Professor of Law, Université de Paris II
Spring, 2007	Visiting Professor of Law, Columbia Law School
Fall, 2006	Visiting Professor of Law, New York University Law School
October, 2002	Visiting Professor, Università di Roma III
March, 2001;	Visiting Professor, Université de Paris II
June, 1997	Visiting Professor, Université de Cergy-Pontoise, France

EMPLOYMENT (cont.)

June, 1996	Visiting Professor, École des Hautes Etudes en Sciences Sociales, Paris, France
Fall, 1995	Visiting Professor of Law, Harvard University
1989 - 1994	Associate Professor of Law, Stanford University (Assistant Professor of Law, 1989-1992)
1988 - 1989	Law Clerk to the Honorable Ralph K. Winter, Judge United States Court of Appeals, Second Circuit

FELLOWSHIPS AND AWARDS

2012	Titular Member, Académie Internationale de Droit Comparé
2010-2011	Fellow, John Simon Guggenheim Foundation
January, 2005	Fellow, Max-Planck-Institut für europäische Rechtsgeschichte, Frankfurt
Spring, 2000	Berlin Prize Fellow American Academy in Berlin Berlin, Germany
Fall, 1998	Jean Monnet Fellow European University Institute Florence, Italy
Fall, 1992	Robbins Senior Fellow University of California at Berkeley School of Law, Boalt Hall
Summer, 1988	Olin Summer Research Scholar, Yale Law School
Summer, 1986	German Academic Exchange Service Fellow Research in Göttingen and Heidelberg
1982 - 1985	Special Humanities Fellow Department of History, University of Chicago

AREAS OF TEACHING SPECIALTY

Comparative Law, Conflict of Laws, Criminal Law, Comparative Legal History

PUBLICATIONS

Books

The Verdict of Battle: The Law of Victory and the Making of Modern War. (Harvard University Press, 2012)

The Origins of Reasonable Doubt: Theological Roots of the Criminal Trial. (Yale University Press, 2008). Received Honorable mention, Silver Gavel Award, American Bar Association, 2009.

Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe (Oxford University Press, 2003). Received Distinguished Book Award of the Division of International Criminology, American Society of Criminology.

The Legacy of Roman Law in the German Romantic Era: Historical Vision and Legal Change (Princeton University Press, 1990).

Articles

"Response to my Reviewers," Quaderni Fiorentini 38 (2010): 772-775.

"Western Legal Imperialism: Thinking About the Deep Historical Roots." 10 Theoretical Inquiries in Law 635 (2009).

"Equality in Criminal Law: The Two Divergent Western Roads.' 1 Journal of Legal Analysis 119 (2009)

"Separating Church and State: The Atlantic Divide." 34 Historical Reflections/Réflexions Historiques 86 (2008)

"No Right Answer." In John Jackson, Maximo Langer and Peter Tillers, eds., Crime, Procedure and Evidence in a Comparative and International Context: Essays in Honour of Professor Mirjan Damaska. Oxford: Hart, 2008, 371-392.

"Response to Shapiro." 2 Law and Humanities 175 (2008).

PUBLICATIONS (cont.)

"Consumerism versus Producerism: A Study in Comparative Law." 117 Yale Law Journal 340 (2007).

"Comment expliquer la peine aux États-Unis?" Archives de Politique Criminelle 27 (2005): 225-233.

"Comparative Criminal Punishment." Annual Review of Law and Social Science 1 (2005): 17-34.

"Response to Garland," Punishment and Society 7 (2005): 389-396.

"'Human Dignity' in Europe and the United States: The Social Foundations." Human Rights Law Journal 25 (2004): 17-23.

"Between Self-Defense and Vengeance/Between Social Contract and Monopoly of Violence." Tulsa Law Review 39 (2004): 901-924

"The Two Western Cultures of Privacy: Dignity versus Liberty." Yale Law Journal 113 (2004): 1151-1221.

"A Plea Against Retributivism." Buffalo Criminal Law Review 7 (2004): 85-107.

"Bring Back the Glory!" Rechtsgeschichte 4 (2004): 74-84.

"Long Live the Hatred of Roman Law!" Rechtsgeschichte 2 (2003): 40-57.

"The European Transformation of Harassment Law." With G. Friedman. Columbia Journal of European Law 9 (2003): 241-274.

"From Fascist 'Honour' to European 'Dignity'" in C. Joerges and N. Ghaleigh, eds., The Darker Legacy of European Law: Perceptions of Europe and Perspectives on a European Order in Legal Scholarship during the Era of Fascism and National Socialism. Cambridge: Hart, 2003, 243-266.

"The Neo-Romantic Turn." in P. Legrand and R. Munday, eds., Comparative Legal Studies: Traditions and Transitions. Cambridge : Cambridge University Press, 2003, 312-344.

PUBLICATIONS (cont.)

"Aux Origines du 'Monopole de la Violence'." in C. Colliot-Thélène and J.-F. Kervégan, eds., De la Société à la Sociologie. Lyon: ENS Éditions, 2002, 71-91.

"Zum Thema der Selbsthilfe in der Rechtsgeschichte." In W. Fikentscher, ed., Begegnung und Konflikt. Eine Kulturanthropologische Bestandsaufnahme. Abhandlungen der Bayerischen Akademie der Wissenschaften, Philosophisch-Historische Klasse, N.F. 120 (2001): 97-105.

"The Opposition to Public Punishment in Germany: At the Christian Sources," in Grundlagen des Rechts. Festschrift für Peter Landau, eds. Helmholz, Mikat, Müller and Stolleis (Paderborn, 2000), 759-776.

"Enforcing Civility and Respect: Three Societies." Yale Law Journal 109 (2000): 1279-1398.

"What is Wrong with Inflicting Shame Sanctions?" Yale Law Journal 107 (1998): 1055-1092.

"Jhering Parmis les Français," in O. Beaud and P. Wachsmann, eds., La Science Juridique Française et la Science Juridique Allemande de 1870 à 1918 (1997):151-164.

"At the Scholarly Sources of Weber's Melancholy," Quaderni Fiorentini per la Storia del Pensiero Giuridico Moderno 26 (1997): 325-362.

"The Moral Menace of Roman Law and the Making of Commerce: Some Dutch Evidence," Yale Law Journal 105 (1996): 1841-1889.

"At the Origins of Law and the State: Monopolization of Violence, Mutilation of Bodies, or Fixing of Prices?" Chicago-Kent Law Review 71 (1996): 41-84.

"The Seigneurs Descend to the Rank of Creditors: The Abolition of Respect, 1790," Yale Journal of Law and Humanities 6 (1994): 249-283.

"Les seigneurs descendent au rang de simples créanciers: Droit romain,

droit féodal, et Révolution," in Droits. Revue française de théorie juridique 17 (1993): 19-32 (French version of previous item).

PUBLICATIONS (cont.)

"Early German Corporatism in America: Limits of the Social in the Land of Economics," in Continental Ideas in Anglo-American Law ca. 1800-1920, M. Reimann, ed., (Duncker & Humblot, 1993): 229-252.

"Why Did the Revolutionary Lawyers Confuse Custom and Reason?" University of Chicago Law Review 58 (1991): 1321-1368.

"Of Corporatism, Fascism and the First New Deal," in American Journal of Comparative Law 39 (1991): 747-778.

"The Lawyers Discover the Fall of Rome," Law and History Review 9 (1991): 191-220.

"A Note on the Medieval Division of the Digest," Tijdschrift voor Rechtsgeschiedenis 59 (1991): 269-284.

"The Last Generation of Roman Lawyers in Germany," in The Uses of Greek and Latin: Historical Essays (Warburg Institute, 1988).

Note, "Commercial Law and the American Volk: A Note on Llewellyn's German Sources for the Uniform Commercial Code," Yale Law Journal 97 (1987): 156-175.

"Nietzsche in the Magisterial Tradition of German Classical Philology," in Journal of the History of Ideas, XLVII, 3 (1986) 453-468.

"From Philology to Anthropology in Mid-Nineteenth-Century Germany," in Functionalism Historicized: History of Anthropology II, G. Stocking, ed., (University of Wisconsin Press, 1984) 214-229.

Book Reviews, Op-Eds, Comments, and Occasional Pieces

Book Review Essay, "The Free Market and the Prison." 125 Harvard Law Review, 1212 (2012) (Review of B. Harcourt, The Illusion of Free Markets).

"Of Neo-Liberalism and Comparative Punishment." Review of L. Wacquant, Punishing the Poor. Critical Sociology 37 (2010)

Book Reviews, Op-Eds, Comments, and Occasional Pieces (cont.)

Review of Lacey, The Prisoners' Dilemma, New Criminal Law Review 13 (2010): 625–632

Book Review Essay, "Making Happy Punishers." Harvard Law Review 118 (2005): 2698-2724. (Review of M. Nussbaum, Hiding from Humanity).
Review of C. Fasolt, The Limits of History, Law and History Review 23 (2005): 459.

"Prisoner Degradation, At Home and Abroad." Washington Post, May 10, 2004.

"A Simple Story." Rechtsgeschichte 4 (2004): 206. (Review of P. Glenn, Legal Traditions of the World.)

"La justice française vers une américanisation?" Libération, November 27, 2003, p. 36.

Review of W. Wiecek, The Lost World of Classical Legal Thought, in 68 Tijdschrift voor Rechtsgeschiedenis 188 (2000)

Review of P. Quint, Imperfect Union, in 103 American Historical Review 1275 (1998)

Review of M. Stolleis, Recht im Unrecht, in 69 Journal of Modern History889 (1997)

"Reason or Hermeticism?" 5 Southern California Interdiscplinary Law Journal 193 (1997)

"From Cause Célèbre to Revolution," Review of D. Bell, Citizens and Lawyers, 7 Yale Journal of Law and Humanities 457 (1995)

Review of Quaderni Fiorentini per la storia del pensiero giuridico moderno, vol. 20: François Gény e la Scienza Giuridica del Novecento, in Journal of Modern History 67 (1995): 176.

"The Disease Idea of Roman Law, A Century Later." 20 Syracuse Journal of International Law and Commerce 227 (1994)

Book Reviews, Op-Eds, Comments, and Occasional Pieces (cont.)

Review of T. Kuehn, Law, Family and Women: Toward a Legal Anthropology of Renaissance Italy, in 12 Law & History Review 185 (1994).

"Law and the Pre-Modern Mind," review of Donald Kelley, The Human Measure, 44 Stanford Law Review 205 (1991).

"Memories of Arnaldo Momigliano," in Remembering the University of Chicago (University of Chicago Press, 1991), 351-59.

LANGUAGES AND EXPERIENCE ABROAD

Good command of German, French and Latin; competent command of Italian; serviceable reading knowledge and some spoken command of Spanish, Dutch; reading knowledge of Ancient Greek; some knowledge of Biblical Hebrew, Sanskrit, Mandarin. Have taught and delivered invited scholarly presentations in German, French and Italian.

MEMBERSHIP IN LEARNED SOCIETIES

American Society for Legal History, Selden Society, American Roman Law Society, American Historical Association, Société d'Histoire du Droit