

CURRICULUM VITAE
(updated August 2008)

GARY JEFFREY JACOBSON

PERSONAL INFORMATION

Contacts:

H. Malcolm MacDonald Chair in Constitutional and Comparative Law
University of Texas at Austin
Department of Government
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Office Address: Mezes Hall, Rm. 3.110
Home Address: 4602 Avenue F, Austin, TX 78751

Education:

B.A., City College of New York (CUNY), 1967
M.A., Cornell University, 1971
Ph.D., Cornell University, 1972

Areas of Specialization:

Comparative constitutionalism, Constitutional theory, Constitutional law, Judicial Process

Academic Experience:

University of Texas at Austin (2004 -):

2004 - 2008: Patterson-Banister Chair and H. Malcolm MacDonald Chair in Constitutional and Comparative Law

2008 - : H. Malcolm MacDonald Chair in Constitutional and Comparative Law

Williams College (1971-2004):

1971 - 2004: Assistant Professor of Political Science (1971-1978); Associate Professor of Political Science (1978 -1983); Acting Chairman of Political Science Department (1982, 1995); Professor of Political Science (1983 -); Chairman of Political Science Department (1984 – 1988, 2001-2003); Woodrow Wilson Professor of Government (1987 – 1996, 2002-2004); Fred Greene Third Century Professor of Jurisprudence and Politics (1996 – 2002)

Cornell University:

1970 - 1971: Instructor in Government, (a graduate student appointment)

2008 (November): UIC Distinguished Professor, Underwood International College, Yonsei University, South Korea

National and International Awards and Grants:

1998 - 1999:	Fulbright Research Scholar (India)
1998 -1999:	American Institute of Indian Studies Fellowship (declined)
1994 - 1995:	Woodrow Wilson International Center for Scholars Fellowship in the Humanities and Social Sciences
1989:	National Endowment for the Humanities Fellowship Award
1979:	National Endowment for the Humanities Summer Stipend
1967 - 1971:	NDEA Title VI Graduate Fellowship

PUBLICATIONS

I. Books:

THE WHEEL OF LAW: INDIA'S SECULARISM IN COMPARATIVE CONSTITUTIONAL CONTEXT
(Princeton University Press, 2003, Oxford University Press – India, 2003)

APPLE OF GOLD: CONSTITUTIONALISM IN ISRAEL AND THE UNITED STATES (Princeton
University Press, 1993)

THE SUPREME COURT AND THE DECLINE OF CONSTITUTIONAL ASPIRATION (Rowman &
Littlefield, 1986)

PRAGMATISM, STATESMANSHIP, AND THE SUPREME COURT (Cornell University Press, 1977)

AMERICAN CONSTITUTIONAL LAW: ESSAYS, CASES, AND COMPARATIVE NOTES (2nd ed.), with
Donald P. Kommers and John E. Finn (Rowman & Littlefield, 2004)

DIVERSITY AND CITIZENSHIP: REDISCOVERING AMERICAN NATIONHOOD, Co-edited
with Susan Dunn (Rowman & Littlefield, 1996)

THE DISHARMONIC CONSTITUTION: A COMPARATIVE INQUIRY INTO
CONSTITUTIONAL IDENTITY (contract with Harvard University Press)

II. Scholarly Articles and Essays:

“The Sounds of Silence: Militant and Acquiescent Constitutionalism,” in H. Richard Zinman, ed.,
The Supreme Court and the Idea of Constitutionalism (University of Pennsylvania Press,
forthcoming).

“Constitutional Borrowing in South Asia: India, Sri Lanka, and Constitutional Identity,” (with
Shylashri Shankar) in Sunil Khilnani and Vikram Raghavan, eds., Comparative Traditions
in South Asia (Oxford University Press, forthcoming).

“Aspirationalism,” in David Tanenhaus, ed., Encyclopedia of the Supreme Court of the United
States (Macmillan, forthcoming).

- "*Bommai* and the Judicial Power: A View From the United States," Indian Journal of Constitutional Law, V. 2, 2008.
- "Constitutional Identity," The Review of Politics, V. 68, 2006.
- "An Unconstitutional Constitution? A Comparative Perspective," I-CON: International Journal of Constitutional Law, V. 4, 2006.
(Russian translation: Sravniteloe Konstitutsionnoe Obozrenie (Comparative Constitutional Review), V. 1, 2006).
- "The Permeability of Constitutional Borders," Texas Law Review, V. 82, 2004.
- "After the Revolution," Israel Law Review, V. 34, 2000.
- "'By the Light of Reason': Corruption, Religious Speech, and Constitutional Essentials," in Nancy L. Rosenblum, ed., Religion and Law: Obligations of Citizenship and Demands of Faith (Princeton University Press, 2000).
- "Dramatic Jurisprudence," in William N. Eskridge, Jr. and Sanford Levinson, eds., Constitutional Stupidities, Constitutional Tragedies (NYU Press, 1998).
- "Hindu Nationalism and the Israeli Experience," Journal of Indo-Judaic Studies, V. 1, 1998.
- "Comparative Constitutional Analysis and the Secular Polity," The Good Society: A PEGS Journal, V. 7, 1997.
- "Three Models of Secular Constitutional Development: India, Israel, and the United States," Studies in American Political Development, V. 10, 1996.
- "Contemporary Constitutional Theory, Federalism, and the Protection of Rights," in Ellis Katz and G. Alan Tarr, eds., Federalism and Rights (Rowman & Littlefield, 1996).
- "States' Rights," in Leonard W. Levy and Louis Fisher, eds., Encyclopedia of the American Presidency (Simon & Schuster, 1993).
- "Censorship in Israel," in Ilan Peleg, ed., Censorship (Westview Press, 1993).
- "Political Incorporation and Democratic Theory," in George E. Marcus and Russell Hanson, eds., Reconsidering the Democratic Electorate (Penn State University Press, 1993).
- "Pragmatism," in Leonard W. Levy, Kenneth L. Karst, and John G. West, Jr., eds., Encyclopedia of the American Constitution - Supplementary Edition (Macmillan Publishing Co. Inc., 1991).
- "Judicial Activism in Israel," in Kenneth Holland, ed., Judicial Activism In Comparative Perspective (Macmillan Publishing Co. and St. Martin's Press, 1991).
- "Alternative Pluralisms: Israeli and American Constitutionalism In Comparative Perspective," Review of Politics, V. 51, 1989.
- "Judicial Activism and the Founders," in J. Jackson Barlow, Dennis J. Mahoney, and John G. West, Jr., eds., The New Federalist Papers (University Press of America, 1988).
- "Rules are Not Enough: An Argument For Principled Unpredictability," in Sarah Baumgartner Thurow, ed., Constitutionalism in Perspective: The United States Constitution in Twentieth Century Politics (University Press of America, 1988).

"Natural Rights and the Constitution: American Experience and the Israeli Dilemma," Vera Lex, V.7, No. 2, 1987.

"Modern Jurisprudence and The Transvaluation of Liberal Constitutionalism," Journal of Politics, V. 47, 1985.

"E.T.: The Extra-Textual in Constitutional Interpretation," Constitutional Commentary," V. 1, 1983.

"Legal Science Revisited and Reinterpreted: Roscoe Pound's The Spirit of the Common Law," in Sidney A. Pearson, Jr., ed., The Constitutional Polity: Essays on the Founding Principles of American Politics (University Press of America, 1983).

"Abraham Lincoln 'On This Question of Judicial Authority': The Theory of Constitutional Aspiration," Western Political Quarterly, V. 36, No. 1, 1983.

"Hamilton, Positivism, and the Constitution: Judicial Discretion Reconsidered," Polity, V. 14, 1981.

"The Unanimous Verdict: Politics and the Jury Trial," Washington University Law Review, V. 1976, 1977.

"The Right To Disagree: Judges, Juries, and the Administration of Justice in Maryland," Washington University Law Review, V. 1976, 1977.

"Citizen Participation in Policy-Making: The Role of the Jury," Journal of Politics, V. 39, 1977.

"The Pragmatic Dogma' of the Political Thicket: The Jurisprudential Paradox of 'One Man, One Vote'," Polity, V. 9, 1977.

"Constitutional Adjudication and Judicial Statesmanship: Principle, Fact, and Doctrine," Journal of Public Law, V. 23, 1974.

"Felix Frankfurter and the Ambiguities of Judicial Statesmanship," New York University Law Review, V. 49, 1974.

III. Book Reviews:

Martha C. Nussbaum, THE CLASH WITHIN: DEMOCRACY, RELIGIOUS VIOLENCE, AND INDIA'S FUTURE, in Journal of Law and Religion, V. 23, 2008.

S. K. Verma and Kusum Kumar, FIFTY YEARS OF THE SUPREME COURT OF INDIA: ITS GRASP AND REACH, in The Law and Politics Book Review, V. 14, No. 6, 2004.

Reuven Y. Hazan, REFORMING PARLIAMENTARY COMMITTEES: ISRAEL IN COMPARATIVE PERSPECTIVE, in American Political Science Review, V. 96, 2002.

Gregg Ivers, TO BUILD A WALL: AMERICAN JEWS AND THE SEPARATION OF CHURCH AND STATE, in Studies in Contemporary Jewry, V. 13, 1998.

Wayne D. Moore, CONSTITUTIONAL RIGHTS AND POWERS OF THE PEOPLE, in The Law and Politics Book Review, V. 7, No. 2, 1997.

- Lane V. Sunderland, POPULAR GOVERNMENT AND THE SUPREME COURT: SECURING THE PUBLIC GOOD AND PRIVATE RIGHTS, in American Political Science Review, V. 90, No. 4, 1996.
- James P. Pinkerton, WHAT COMES NEXT: THE END OF BIG GOVERNMENT - AND THE NEW PARADIGM AHEAD
- Victor Kamber, GIVING UP ON DEMOCRACY: WHY TERM LIMITS ARE BAD FOR AMERICA, in The Washington Post Book World, November 26, 1995.
- Edward J. Cleary, BEYOND THE BURNING CROSS: THE FIRST AMENDMENT AND THE LANDMARK R.A.V. CASE, in The Washington Post Book World, November 21, 1994.
- Bernard Schwartz, MAIN CURRENTS IN AMERICAN LEGAL THOUGHT (feature review), in Perspectives on Political Science, V. 23, No. 3, 1994.
- Douglas Greenberg, Stanley N. Katz, Melanie Beth Oliviero, and Steven C. Wheatley, eds., CONSTITUTIONALISM AND DEMOCRACY: TRANSITIONS IN THE CONTEMPORARY WORLD, in The Law and Politics Book Review, V. 4, No. 2, 1994.
- Richard B. Bernstein, AMENDING AMERICA: IF WE LOVE THE CONSTITUTION SO MUCH, WHY DO WE KEEP TRYING TO CHANGE IT?
- Bernard Bailyn, ed., THE DEBATE ON THE CONSTITUTION: FEDERALIST AND ANTIFEDERALIST SPEECHES, ARTICLES AND LETTERS DURING THE STRUGGLE OVER RATIFICATION, in The Washington Post Book World, September 5, 1993.
- Christopher P. Manfredi, JUDICIAL POWER AND THE CHARTER: CANADA AND THE PARADOX OF LIBERAL CONSTITUTIONALISM, in American Political Science Review, V. 87, No. 4, 1993.
- Yochanan Peres and Ephraim Yuchtman-Yaar, TRENDS IN ISRAELI DEMOCRACY: THE PUBLIC'S VIEW, in International Journal of Middle East Studies, V. 25, No. 2, 1993.
- Hadley Arkes, BEYOND THE CONSTITUTION, in American Political Science Review, V. 85, No. 4, 1991.
- Lucy S. Dawidowicz, FROM THAT PLACE AND TIME: A MEMOIR 1938-1937, in Perspective, V. 19, No. 2, 1990
- Richard Beeman, Stephen Botein, and Edward C. Carter II, eds., BEYOND CONFEDERATION: ORIGINS OF THE AMERICAN NATIONAL CHARACTER (feature review), in Perspective, V. 16, No. 4, 1987.
- Eva R. Rubin, THE SUPREME COURT AND THE AMERICAN FAMILY, in The Annals of the American Academy of Political and Social Science, V. 493, 1987.
- Michael Kent Curtis, NO STATE SHALL ABRIDGE: THE FOURTEENTH AMENDMENT AND THE BILL OF RIGHTS, in American Political Science Review, V. 81, No. 1, 1987.
- Wallace Mendelson, SUPREME COURT STATECRAFT: THE RULE OF LAW AND MEN, in Perspective, V.15, No. 5, 1986.
- Amos Oz, IN THE LAND OF ISRAEL, in Kesher/Connection, V. 2, No. 1, 1985.

Michael J. Perry, THE CONSTITUTION, THE COURTS, AND HUMAN RIGHTS: AN INQUIRY INTO THE LEGITIMACY OF CONSTITUTIONAL POLICYMAKING BY THE JUDICIARY, in Perspective, V.12, No. 4, 1983.

Bruce A. Murphy, THE BRANDEIS/FRANKFURTER CONNECTION, in Perspective, (feature review) V.11, No.6, 1982.

Bruce M. Owen, ECONOMICS AND FREEDOM OF EXPRESSION: MEDIA STRUCTURE AND THE FIRST AMENDMENT, in Policy Analysis, V.3, No.3, 1977.

IV. Other:

Editor, Berkshire Review (1980)

Co-Editor, Rowman and Littlefield Series on the American Constitution

CONFERENCE PRESENTATIONS AND PARTICIPATION

“Moments That Matter: Structure and Identity in Indian Constitutional Development,” presented at the Sawyer Seminar – the Dilemmas of Judicial Power – II, the University of California, Berkeley, November 2008.

“Equality and Religious Freedom: The Case of India,” presented at the Conference on Church-State Relations and Religious Liberty: Comparative Perspectives, Notre Dame, September 2008.

“The Disharmonic Constitution,” presented at the Limits of Constitutional Democracy Conference, Princeton, February 2008.

“The Sounds of Silence: Acquiescent and Militant Constitutionalism,” presented at the South Asia Colloquium, the University of California, Berkeley, February 2008.

“India and the *Bommai* Deliverance,” presented at the Sawyer Seminar – the Dilemmas of Judicial Power, the University of California, Berkeley, January 2008.

Roundtable, “Authors Meet Critics: Walter Murphy’s *Constitutional Democracy: Creating and Maintaining a Just Political Order* and Donald Lutz’s *Principles of Constitutional Design*,” American Political Science Association, Chicago, August 2007.

Roundtable, “Is the Constitution Broken?,” New England Political Science Association, April 2007.

“The Sounds of Silence: Acquiescent and Militant Constitutionalism,” presented at Conference on The Supreme Court and the Idea of Constitutionalism, Michigan State University, January 2007.

“Constitutional Borrowing in South Asia: India, Sri Lanka, and Constitutional Identity,” presented at Conference on Comparative Traditions in South Asia, London, November, 2006.

- "Constitutional Identity," presented at Yale University Institution for Social and Policy Studies, April 2006, and at the Midwest Political Science Association, Chicago, April 2006.
- Roundtable, "Lessons from the Roberts and Alito Confirmations," Western Political Science Association, Albuquerque, March 2006.
- Roundtable, Ran Hirschl's "Towards Juristocracy," New England Political Science Association, Portland, April 2005.
- Roundtable, Jeremy Rabkin's "Law Without Nations? Why Constitutional Government Requires Sovereignty," New England Political Science Association, Portland, April 2005.
- "Popular Sovereignty and the Amendment Power," presented at the Symposium on Sovereignty (University of Texas Law School), April 2005.
- "The Permeability of Constitutional Borders," presented at the Symposium on Comparative Avenues in Constitutional Scholarship (University of Texas School of Law), February 2004, and at the Public Law Colloquium, Princeton University, April 2004.
- "Complex Revolution and the Challenge of Constitutional Closure in Israel," presented at the Conference on Constitutionalism in the Middle East (Center for Comparative Constitutionalism, University of Chicago) January 2004.
- "From Delhi To Dublin: In Search of Constitutional Theory," presented at the American Political Science Association, Philadelphia, August 2003.
- Commentator, "Religion and Democracy," Conference on Law and Religion, Princeton University, February 2003.
- Roundtable, Lifetime Achievement Award Panel in Honor of Walter Berns, American Political Science Association, Boston, August 2002.
- "Out Until Further Notice: Secularism and the Basic Structure of the Constitution," presented at the Harvard University Weatherhead Center for International Affairs South Asia Seminar, Cambridge, May 2001.
- Discussant, "Constitutions and Constitutionalism," American Political Science Association, Washington, September 2000.
- Roundtable, "The Real Y2K Problem: Can an Eighteenth Century Constitution Serve the Needs of the Twenty First Century?" New England Political Science Association, Hartford, May 2000.
- "After the Revolution," presented at the Conference on Contemporary Trends in Israeli Constitutionalism," Jerusalem, November 1999.
- "Three Faces of Justice," presented at the Maxwell School of Citizenship and Public Affairs, Syracuse University, October 1999, and at the Conference on 50 Years of the Indian Republic, University of Toronto, April, 2000.
- "Liberalism Ascendant or Liberalism Subservient: The Mystery of the *Hindutva* Cases," presented at the Symposium on State, Ethnicity, Religion and Politics of Identity, India International Center, New Delhi, March 1999.
- "Indian Secularism in Comparative Perspective," presented at the Centre for Political Studies, Jawaharlal Nehru University, New Delhi, February 1999.

Chair, "Law, Politics, State, and Communities in Israel: Interdisciplinary Perspectives," Annual Meeting of the American Political Science Association, Boston, September 1998.

Roundtable, "The Supreme Court 1948-1998: Evolution or Revolution," New England Political Science Association, Worcester, May 1998.

"By the Light of Reason': Corruption, Religious Speech, and Constitutional Essentials," presented at the Harvard University Weatherhead Center for International Affairs South Asia Seminar, Cambridge, April 1998.

Roundtable, "Law and Social Change," Conference on The Interpretive Traditions of Halakha and American Law, Jerusalem, December 1996.

"The Question of the Secular Constitution in India: A Comparative Perspective," presented to the Association for Asian Studies, Honolulu, April 1996.

"Religion, Nationalism, and the Question of the Secular Constitution in Israel," presented at the Association for Israel Studies, Baltimore, June 1995.

"Three Models of the Secular Constitution: India, Israel, and the United States," presented at the Harvard University Center for International Affairs South Asia Seminar, Cambridge, May 1995.

Discussant, "Constitutional Reform and Social Difference," Symposium on The Good Polity Today: Constituting Politics, Law and Markets after the Cold War, Philadelphia, November 1994.

Discussant, "The Rehnquist Court: New Perspectives on Constitutional Issues," New England Political Science Association, Northampton, April 1993.

"Modern Constitutional Theory, Federalism, and the Protection of Rights," presented at the Center for the Study of Federalism conference on "Federalism and Rights," Philadelphia, November 1992.

"Judicial Review and the Israeli Constitution," presented at the Association for Israel Studies, Milwaukee, May 1992.

Discussant, "The Bill of Rights at 200," Symposium held by the Institute for American Values, Nichols College, September 1991.

Roundtable: "Constitutional Change in Comparative Perspective," Annual Meeting of the American Political Science Association, Washington, D.C., August 1991.

Roundtable: "Constitutional Reform for Israel?" Annual Meeting of the American Political Science Association, Atlanta, August 1989.

Discussant, Symposium on Democratic Theory, Williams College, August 1989.

"Activist Jurisprudence In Comparative Perspective: The Case of Israel," presented at the New England Political Science Association, Cambridge, April 1989.

Discussant, "Interpretation and Rights," Symposium held by the Center for the Humanities and Social Sciences, Williams College, November 1988.

Discussant, "Judicial Restraint," Annual Meeting of the American Political Science Association, Washington, D.C., September, 1988.

"Alternative Pluralisms: Some Comparative Reflections on Israeli and American Constitutionalism," presented at the Harvard Seminar on Constitutionalism, Cambridge, April 1988.

Chair, "How Should the Constitution Be Read and Interpreted?" Bicentennial Conference on Constitutionalism in America, Dallas, October 1987.

Constitutional Issues Roundtable: The Supreme Court and the Decline of Constitutional Aspiration, New England Political Science Association, Cambridge, April 1987.

Roundtable: "Reading the Constitution 200 Years Later," Western Political Science Association, Anaheim, March 1987.

"Rights and Noninterpretive Review," presented at the New England Political Science Association, N.H., April 1985.

"The Dilemmas of Dissent," presented at the Academicians Seminar of the American Jewish Committee, Jerusalem, Israel, June 1984.

"The Rage of Theorists," Comment Paper presented at the NEH Conference on Interpreting the Constitution, Boston, MA, April 1984.

Chair, "Holmes Brandeis, and Frankfurter: An Uncertain Tradition," Annual Meeting of the American Political Science Association, Washington D.C., September 1977.

RECENT INVITED LECTURES

"By Way of Addition, Variation, or Repeal: Revisiting the Unconstitutional Constitutional Amendment Puzzle," Fifth Annual Walter Murphy Lecture in American Constitutionalism, Princeton University, April 6, 2005.

"An Unconstitutional Constitution? A Comparative Perspective," Inaugural H. Malcolm MacDonald Lecture in Constitutional and Comparative Law, University of Texas, April 21, 2005.

"When is a Constitution Not a Constitution?" Constitution Day Lecture, Texas A & M – Commerce, September 16, 2005.

"Constituting Identity: Lessons From the Indian Experience," India International Center, New Delhi, June 6, 2006.

"The US Constitution: A Comparative Look," Wiley Lecture Series, Texas A & M, September 18, 2006.

"Militant Constitutionalism: The Indian Alternative," Indiana University, February 16, 2007.

"The Disharmonic Constitution," Robert J. Fiscus Memorial Lecture, Skidmore College, October 12, 2007.

"The Disharmonic Constitution," Robert T. Miller Distinguished Lecture, Baylor University, November 5, 2007.

OTHER PROFESSIONAL INVOLVEMENT

President, New England Political Science Association, 1997-98.

Chair, Wadsworth Publishing Award Committee, Law and Courts Section of the American

Political Science Association, 2007-08.

Canada Research Chairs Program College of Reviewers, 2006- .

Law and Courts Section Lifetime Achievement Award Committee for the American Political Science Association, 2000-01.

Outstanding Graduate Student Paper Award Committee, Law and Courts Section, American Political Science Association, 1993.

Edward S. Corwin Award Committee for the American Political Science Association, 1976.

Referee for the following journals: American Political Science Review, Journal of Politics, Polity, Western Political Quarterly, Political Methodology, Review of Politics, Political Theory, Law & Society Review, India Review, Critique Internationale, Journal of Peace Research, Law, Culture, and the Humanities.

Referee for the following presses: St. Martin's Press, Princeton University Press, Rowman & Littlefield, Johns Hopkins University Press.

Consultant for numerous University tenure and promotion decisions.

COURSES TAUGHT

Williams College:

- Introduction to American Politics
- Political Philosophy
- Constitutional Law
- American Legal Philosophy
- American Political Thought
- Criminal Justice
- American Public Policy-Making
- Constitutional Crisis
- Judicial Policy-making
- American Political Development
- The Politics of Rights
- Civil Liberties in the United States
- The First Amendment
- Comparative Constitutionalism

Winter Study Courses:

- Capital Punishment
- Privacy
- The Trial Process
- The Jurisprudence of the Founding Fathers
- Lincoln and the Law
- Freedom, Authority, and Community
- Constitutionalism Without a Constitution: The Case of Israel
- Lessons From Abroad: Constitutionalism in Faraway Places
- Judicial Biography

University of Texas at Austin:

Comparative Constitutionalism (graduate)
Constitutional Structures of Power
The Constitution and Individual Liberties
Constitutional Change in Comparative Perspective (graduate)
American Legal Philosophy (graduate)

COLLEGE AND UNIVERSITY SERVICE

Williams College:

Committee on Appointments and Promotions - elected three year term
Faculty Steering Committee - twice Chair
Chair, Library Committee
Chair, Bronfman Committee for Judaic Studies – twice Chair
Chair, Academic Events Committee, Williams Bicentennial Commission
Chair, Honor and Discipline Committee
Other

University of Texas at Austin:

College of Liberal Arts Promotion and Tenure Committee (2004, 2005)
Law and Philosophy Search Committee (2004)
Erwin Chair in American Politics Search Committee (2005)
Department of Government Executive Committee (2006-07)
Public Law Field Chair (2005 -)
Chair, Public Law Search Committee (2007)