ROBERT JUSTIN LIPKIN

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EDUCATION

J.D. UCLA School of Law, 1984, Associate Editor, UCLA Law Review.
Ph.D. (Philosophy), Princeton University, 1974, University Fellow, Doctoral Supervisor: Donald Davidson.
M.A. (Philosophy), Princeton University, 1971, Clinedinst Fellow.
B.A. (Philosophy), Brooklyn College, CUNY, 1965, The Franklin J. Matchette Award in Philosophy.

EMPLOYMENT

LAW

Judicial Clerk, Honorable Gilbert S. Merritt, U.S. Court of Appeals for the Sixth Circuit, 1984-85.

Professor of Law, 1992-present. ***Associate Professor of Law***, 1988-92. ***Assistant Professor of Law***, 1985-88, Widener University School of Law [Formerly the Delaware Law School].

First H. Albert Young Fellow in Constitutional Law, 1999-2001.

Chair, Fourth WIDENER LAW SYMPOSIUM (1996-98), (Symposium Topic: Constitutional Law).

Courses: Constitutional Law, Constitutional Jurisprudence, Jurisprudence, and Torts (1985-86).

Seminars: Crises in American Democracy, the Jurisprudence of Multiculturalism, Theories of Judicial Reasoning, Law and Philosophy, Constitutional Theory, and Theories of Free Speech.

BAR MEMBERSHIP

Admitted California, Since 1984; Admitted U.S. Court of Appeals for the Sixth Circuit in 1985

COLLEGES OF ARTS AND SCIENCES

Assistant Professor of Philosophy, Northwestern University, 1974-1981. Taught undergraduate and graduate courses in Ethical Theory, Political Philosophy, British Empiricism, Analytic Philosophy, Introduction to Philosophy, Medical Ethics, and Social Ethics. Directed doctoral dissertations. Director, Graduate Teaching Intern Program.

Instructor of Philosophy, University of Nebraska-Lincoln, 1971-1973. Taught undergraduate and graduate courses in Ethical Theory, Political Philosophy, Philosophy of Mind, and Introduction to Philosophy.

ROBERT JUSTIN LIPKIN
Curriculum Vitae

PUBLICATIONS

BOOK

CONSTITUTIONAL REVOLUTIONS: PRAGMATISM AND THE ROLE OF JUDICIAL REVIEW IN AMERICAN CONSTITUTIONALISM (Durham and London: Duke University Press, 2000).

CHAPTER IN BOOK

Pragmatism, Cultural Criticism, and the Idea of the Postmodern University, in AN ETHICAL EDUCATION: COMMUNITY AND MORALITY IN THE MULTICULTURAL UNIVERSITY 49 (M.N.S. Sellers, ed. 1994).

ARTICLES

Federalism as Balance (Forthcoming 2004-05).

Reconstructing the Public Square 24 CARDOZO L. REV. 2025 (2003). [SSRN URL: http://ssrn.com/abstract=415760]

Constitutional Revolutions: A New Look at Lower Court Appellate Review, 3 J. APPELLATE PRACTICE AND PROCESS 1 (2001*).*

Affirmative Action, Democracy, and the Obligations of Citizenship, CONGRESS MONTHLY, May/June 2001.

A Derelict on the Waters of the Law? CONGRESS MONTHLY, Jan/Feb 2001.

A Reply to Justice Philip Talmadge, 4 JURIST, (January 8, 2001). (Books-On-Line).

The New Majoritarianism, 69 CINCINNATI L. REV. 107 (2000).

Down with Flags Statues, and Monuments: Cultural Memory in a Deliberative Democracy, 7 U. CHIC. L. SCHOOL ROUNDTABLE 239 (2000).

Charitable Choice & the Constitution, CONGRESS MONTHLY, July/August 1999, p. 3.

C*an Liberalism Justify Multiculturalism?* 45 BUFFALO L. REV. 1 (1997).

In Defense of Outlaws: Liberalism and the Role of Reasonableness, Public Reason, *and Tolerance in Multicultural Constitutionalism,* 45 DEPAUL L. REV. 401 (1996).

Liberalism and The Possibility of Multicultural Constitutionalism: The Distinction Between Deliberative and Dedicated Cultures, 29 U. RICHMOND L. REV. 1263 (1995).

Can American Constitutional Law Be Postmodern? 42 BUFFALO L. REV. 317 (1994).

The Quest for the Common Good: The Role of Neutrality and Deliberative Democracy in Sunstein's Conception of American Constitutionalism, 26 CONNECTICUT L. REV. 1039 (1994).

ARTICLES
(Continued)

Pragmatism—The Unfinished Revolution: Doctrinaire and Reflective Pragmatism in Rorty's Social Thought, 67 TULANE L. REV. 1561 (1993).

Indeterminacy, Justification and Truth in Constitutional Theory, 60 FORDHAM L. REV. 595 (1992).

Kibitzers, Fuzzies and Apes Without Tails: Pragmatism and the Art of Conversation in Legal Theory, 66 TULANE L. REV. 69 (1991).

Beyond Skepticism, Foundationalism and the New Fuzziness: The Role of Wide Reflective Equilibrium in Legal Theory, 75 CORNELL L. REV. 811 (1990).

The Anatomy of Constitutional Revolutions, 68 NEBRASKA L. REV. 701 (1989).

Intimacy and Confidentiality in Psychotherapeutic Relationships, 10 THEORETICAL MEDICINE 309 (1989).

The Moral Good Theory of Punishment, 40 U. FLORIDA L. REV. 17 (1988).

Punishment, Penance and Respect for Autonomy, 14 SOCIAL THEORY AND PRACTICE 87 (1988).

Altruism and Sympathy in Hume's Ethics, 65 AUSTRALASIAN J. PHIL. 18 (1987)

The Theory of Reciprocal Altruism, 30 PHIL. STUD. (Ireland) 108 (1983-84).

Beyond Good Samaritans and Moral Monsters: An Individualistic Justification of the General Legal Duty to Rescue, 31 UCLA L. REV. 252 (1983).

Hare's Theory of Rational Assent, 28 PHIL. STUD. (Ireland) 238 (1981).

Universalizability and Prescriptivity in Practical Reasoning, 15 S.J. PHIL. 67 (1977).

In Defense of Sidgwick, 18 PHIL. STUD. (U.S.) 70 (1967).

SYMPOSIUM ARTICLES

Deliberativism as the Moral Personality of American Citizenship, 100 SOUTHERN ATLANTIC QUARTERLY 1029 (2002) (Invited Article for a Special Issue on Culture and the Courts).

Impeachment and the War Over the Democratization of American Culture, 5 WIDENER L. SYMP. J. 213 (2000).

Foreword: *Is American Progressive Constitutionalism Dead?* 4 WIDENER L. SYMP. J. *i* (1999).

Progressivism as Communitarian Democracy, 4 WIDENER L. SYMP. J. 229 (1999). (Republished in SSRN.Com, September 2000).

Religious Justification in the American Communitarian Republic, 25 CAPITAL U.L. REV. 765 (1996).

Liberalism, Radicalism and Utopian Ideals, 19 CAPITAL U.L. REV. 1033 (1990).

SYMPOSIUM ARTICLES
(Continued)

Freewill, Responsibility and the Promise of Forensic Psychiatry, 13 INT. J.L. & PSYCHIATRY 331 (1990).

Conventionalism, Pragmatism and Constitutional Revolutions, 21 U.C. DAVIS L. REV. 645 (1988).

WORK-IN-PROGRESS

BOOKS

WHAT IF THE UNITED STATES WERE A DEMOCRACY?

ARTICLES

Overruling Brown
Interpretive Equality and American Democracy
Achieving Human Rights: Conceptually Impossible/Practically Necessary

INVITED BOOK REVIEWS

Book Review 67 CONGRESS MONTHLY, November/December 2000, p. 18. (Richard Delgado and Jean Stefancic, MUST WE DEFEND NAZIS? HATE SPEECH, PORNOGRAPHY, AND THE NEW FIRST AMENDMENT)

Book Note, 109, ETHICS: AN INTERNATIONAL JOURNAL OF SOCIAL, POLITICAL, AND LEGAL PHILOSOPHY 959 (1999) (Michel Rosenfeld, JUST INTERPRETATIONS: LAW BETWEEN ETHICS AND POLITICS).

Book Review, 107 MIND: A QUARTERLY REVIEW OF PHILOSOPHY 428 (1998) (Olufemi Taiwo, LEGAL NATURALISM: A MARXIST THEORY OF LAW).

Book Note, 108 ETHICS 223 (1997) (Wayne D. Moore, CONSTITUTIONAL RIGHTS AND POWER OF THE PEOPLE).

Book Review, 107 ETHICS 737 (1997) (Owen M. Fiss, LIBERALISM DIVIDED: FREEDOM OF SPEECH AND THE MANY USES OF STATE POWER).

Book Note, 106 ETHICS 674 (1996) (Sanford Levinson, ed., RESPONDING TO IMPERFECTION: THE THEORY AND PRACTICE OF CONSTITUTIONAL AMENDMENT).

Book Note, 106 ETHICS 675 (1996) (John Arthur, WORDS THAT BIND: JUDICIAL REVIEW AND THE GROUNDS OF MODERN CONSTITUTIONAL THEORY).

Book Review, 106 ETHICS 467 (1995) (Michael J. Perry, THE CONSTITUTION IN THE COURTS: LAW OR POLITICS?).

Book Review, 106 ETHICS 208 (1995) (David A.J. Richards, CONSCIENCE AND THE CONSTITUTION: HISTORY, THEORY AND LAW OF THE RECONSTRUCTION AMENDMENTS).

Book Note, 104 ETHICS 922 (1994) (Paul W. Kahn, HISTORY AND LEGITIMACY: SELF-GOVERNMENT IN AMERICAN CONSTITUTIONAL THEORY).

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Curriculum Vitae

SELECTED SYMPOSIA, WORKSHOPS, AND LECTURES

Achieving Human Rights: Conceptually Impossible/Practically Necessary, AALS, Plenary Session V, 4 January 2004, Atlanta [Commentator]

Religion, Reconstruction, and Democracy, AALS, Law & Religion Section, 5 January 2002, New Orleans [Presenter]

What's Wrong with American Constitutionalism and How to Fix It? THE FIRST H. ALBERT YOUNG LECTURE, Widener University School of Law 28 February 2001 [Lecturer]

The New Majoritarianism, THIRD WORKSHOP ON LAW, CULTURE, AND THE HUMANITIES, Georgetown Law Center, 10-12 March 2000 [PRESENTER]

The Possibility of Majoritarianism, PHILOSOPHY AND THE SOCIAL SCIENCES, Institute of Philosophy of the Czech Academy of Social Sciences, Prague, The Czech Republic, 23 May 1999 {Presenter].

Down With Flags, Statues, and Monuments: Cultural Memory In a Deliberative Culture, presented at the SECOND WORKSHOP ON LAW, CULTURE, AND THE HUMANITIES, Wake Forest University, School of Law, 12-14 March 1999 [Presenter].

New Approaches to Civil Society, COMMUNITARIAN SUMMIT, 26-28 February 1999 [Chair/Discussant].

The Moral Personality of the American Constitutional Citizen presented at the FIRST WORKSHOP ON LAW, CULTURE, AND THE HUMANITIES, Georgetown Law Center, 27-29 March 1998 [Presenter].

Institutional Democracy in the American Communitarian Republic, SIXTH BIENNIAL GEORGETOWN DISCUSSION Group on Constitutional Law, Georgetown Law Center, 5-6 December 1997 [Discussant].

Symposium Chair, IS AMERICAN PROGRESSIVE CONSTITUTIONALISM DEAD? Widener University School of Law, 23-25 October 1997.

Communitarian Democracy: A Progressive Ideal or Invitation to Transcend Progressivism, SYMPOSIUM: IS AMERICAN CONSTITUTIONALISM DEAD? Widener University School of Law, 23-25 October 1997 [Presenter].

Religious Freedom in the American Communitarian Republic, SYMPOSIUM ON *Wisconsin v. Yoder*, Capital University School of Law, 14-15 February 1997 [Presenter].

Integrity and Constitutional Revolutions, DWORKIN AND HIS CRITICS, Millersville University, 30 October 1995 [Presenter].

The Problem of Multicultural Constitutionalism in the Canadian Experience. FOURTH BIENNIAL GEORGETOWN DISCUSSION GROUP ON CONSTITUTIONAL LAW, Georgetown Law Center, 4-5 December 1993 [Discussant].

Can Constitutional Law Be Postmodern? CONFERENCE ON CONSTITUTIONAL LAW, American Association of Law Schools, University of Michigan, 12-16 June 1993 [Works-in-Progress Seminar Presenter].

SELECTED SYMPOSIA, WORKSHOPS, AND LECTURES

(Continued)

Dualism in Constitutional Theory, OHIO LEGAL THEORY WORKSHOP, Ohio State University College of Law, 25 February 1993 [Presenter].

Pragmatism, Cultural Criticism and the Idea of the Postmodern University, ETHICS AND THE UNIVERSITY, Hoffberger Institute of Professional Ethics, University of Baltimore, 9 March 1992 [Presenter].

Liberalism, Radicalism and Utopian Ideals, SYMPOSIUM ON LAW AND ETHICS, Capital University Law Center, 13 February 1990 [Presenter].

Freedom, Responsibility and the Promise of Forensic Psychiatry, PHILOSOPHICAL ISSUES IN FORENSIC PSYCHIATRY, International Association of Law and Mental Health, 15 June 1988, Montreal, Canada, [Presenter].

Intimacy and Confidentiality in Psychiatric Relationships, PRIVACY AND CONFIDENTIALITY IN HEALTH CARE, University of Texas Medical Branch, Institute of Medical Humanities, Galveston, Texas, 5 December 1985 [Presenter].

SELECTED COMMUNITY ACTIVITIES

GoTeam, For Strategic Planning Committee, Widener University, Spring 2004.

Task Force for Academic Programs for Strategic Planning Committee, Widener University, Spring 2003.

Faculty Advisor, *Widener Branch of the American Constitution Society* (Current).

Chair and Panelist, *Celebration of Dr. Martin Luther King's Birthday*, Widener University School of Law, 12 January 2003.

Consultant, *Planned Parenthood, Lincoln Nebraska* (Current).

Moot Court Argument On *Bush v. Gore, Before the Delaware Supreme Court at the Annual Meeting Commemorating the Anniversary of the Delaware Bar*, Delaware Bar Association, 5 June 2001.

Interviewed on *Radio Times*, WHHY Radio, NPR Affiliate in Wilmington, 7 December 2000.

Interviewed on *Delaware News*, WHYY Television, PBS Affiliate in Wilmington, 6 December 2000.

Testified Before the City Council of Lincoln, Nebraska on the constitutionality of an ordinance banning "focused picketing" in front of a local church. Lincoln, Nebraska, 8 September 1998.

Speaker, *Introducing the Constitution to School Children at the Pilot School* (School for children with learning differences), Wilmington, Delaware, 4 February 1996.

Presenter, *Community Meeting on the 1991 War with Iraq*, Presbyterian Church, Wilmington, Delaware, 10 February 1991.

Consultant, *American Civil Liberties Foundation* (1989-91) (Prepared a tape and teaching manual for introducing the Constitution to school children.).

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Membership in Professional Organizations

American Philosophical Association
American Political Science Association
American Society for Political and Legal Philosophy