

JEREMY K. KESSLER

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ACADEMIC POSITIONS

Professor of Law, Columbia Law School (2019-present)

Associate Professor of Law, Columbia Law School (2015-2019)

David Berg Foundation Scholar, New York University School of Law (2013-2014)

EDUCATION

Ph.D., Yale University (History) (expected May 2020)

- Head Teaching Fellow, Constitutional Law
- Teaching Fellow, American History Since 1945

J.D., Yale Law School (2013)

- Legal History Fellow
- Executive Editor, *Yale Journal of Law and the Humanities*

M.Phil., University of Cambridge (2007)

- History and Philosophy of Science (Distinction, High First)
- Gates Cambridge Scholar

B.A., Yale University (2006)

- *Summa cum laude* in Literature (with Distinction)
- Phi Beta Kappa

CLERKSHIP

Judge Pierre N. Leval, U.S. Court of Appeals for the Second Circuit (2014-2015)

ACADEMIC PUBLICATIONS

FORTRESS OF LIBERTY: THE RISE AND FALL OF THE DRAFT AND THE REMAKING OF AMERICAN LAW (Harvard University Press, forthcoming 2021)

The Illiberalism of Administrative Law, in LAW AND ILLIBERALISM (University of Massachusetts Press, forthcoming 2020)

New Look Constitutionalism, 167 PENN. L. REV. 1749 (2019)

The Search for an Egalitarian First Amendment, 118 COLUM. L. REV. 1953 (2018) (with David E. Pozen)

“Some Legal Realism About Legal Theory”, Columbia Public Law Research Paper No. 14-584 (2017) (with David Pozen)

The Early Years of First Amendment Lochnerism, 116 COLUM. L. REV. 1915 (2016)

Working Themselves Impure: A Life-Cycle Theory of Legal Theories, 83 U. CHI. L. REV. 1892 (2016) (with David E. Pozen)

The Political Economy of “Constitutional Political Economy”, 94 TEX. L. REV. 1527 (2016)

The Struggle for Administrative Legitimacy, 129 HARV. L. REV. 718 (2016)

A War for Liberty: On the Law of Conscientious Objection, in 3 THE CAMBRIDGE HISTORY OF THE SECOND WORLD WAR (Michael Geyer & Adam Tooze eds. 2015)

The Administrative Origins of Modern Civil Liberties Law, 114 COLUM. L. REV. 1083 (2014)

The Invention of a Human Right: Conscientious Objection at the United Nations, 1947-2011, 44 COLUM. HUMAN RIGHTS L. REV. 753 (2013)

Bonhoeffer on Law-Breaking, in ONTOLOGY AND ETHICS: DIETRICH BONHOEFFER AND CONTEMPORARY SCHOLARSHIP (Adam Clark & Michael Mawson eds. 2013)

SELECTED PRESENTATIONS

University of Pennsylvania Law School, Symposium: *The History, Theory, and Practice of Administrative Constitutionalism*, October 2018. “New Look Constitutionalism: The Cold War Critique of Military Manpower Policy.”

American Society for Legal History, October 2018. Panel Presentation: “The Past and Future of Marxist Legal History.”

Columbia University, Seminar in Political and Social Thought, February 2018. “Race and America’s Long War” (in discussion with Nikhil Singh).

Columbia University, 20th Century Politics and Society Workshop, February 2018. “The Policy State” (in discussion with Stephen Skowronek).

University of Michigan Law School, Legal History Workshop, November 2017. “The Legal Conditions of Draft Abolition.”

The Tobin Project, Conference: *The History of American Democracy*, June 2017. Discussant.

Center for Science and Society, Columbia University. Conference: *Evidence: An Interdisciplinary Conversation about Knowing and Certainty*, April 2017. “Law and Evidence.”

Center for Constitutional Governance, Columbia Law School, Symposium: *Economic Constitutionalism in Comparative Perspective*, April 2017. “Social Rights, Poverty and Economic (In)equality.”

FGV-Columbia Exchange, FGV Direito SP, São Paulo, Brazil, December 2016. “The Rise and Fall of the Draft and the Remaking of American Law.”

N.Y.U. School of Law, Public Law Colloquium, December 2016. “The Second Peacetime Draft and Cold War Politics.”

Center for International Research in the Humanities and Social Sciences, New York University, November 2016. “Truth and Consequences: Political Judgment and Historical Knowledge in Foucault and Althusser.”

Cardozo School of Law, Conference: *The Study of Law and History*, September 2016. “Beyond Critical Legal History.”

Vanderbilt Law School, Book Symposium: *The Middle Class Constitution*, April 2016. “Does the ‘Middle Class’ Have a Legal History?”

Columbia Journal of European Law, Columbia Law School, Book Discussion: *Europe’s Functional Constitution: A Theory of Constitutionalism Beyond the State*, April 2016.

Center for International Research in the Humanities and Social Sciences, New York University, April 2016. “A Divided Republic: Nation, State, and Citizenship in Contemporary France.”

Center for Constitutional Governance, Columbia Law School, Symposium: *The Constitution and Economic Inequality*, March 2016. “Bringing Political Economy Back in to Constitutional History.”

Social Science Research Council, Anxieties of Democracy Program, March 2016. “In Search of the Liberal Moment.”

European Institute, Columbia University, Book Discussion: *Religion, Secularism, and Constitutional Democracy*, February 2016.

Texas Law School, Symposium: *The Constitution and Economic Inequality*, January 2016. “The Relative Autonomy of ‘Constitutional Political Economy.’”

American Historical Association, January 2016. Chair: “Contesting Conscience: Private Beliefs and Public Policy Since 1965.”

Harvard Law School, Legal History Workshop, October 2015. “The Early Years of First Amendment Lochnerism.”

American Society for Legal History, October 2015. Panel Presentation: “The Myth of the Strong American State: On the Cold War Draft and the Paradox of Anti-Communist Governance.”

Society for U.S. Intellectual History, October 2015. Roundtable Participant: “The Constitution of the Economy in Progressive Thought.”

University of California, Santa Barbara, Conference: Beyond the New Deal Order, September 2015. Panel Presentation: “Conscription, Conscientious Objection, and the Decline of Administrative Autonomy.”

Columbia Law School, Center for Gender and Sexuality Law, September 2015. “The Early Years of First Amendment Lochnerism.”

Georgetown Law Center, American Religious Liberty Roundtable, June 2015. “The Early Years of First Amendment Lochnerism.”

Cardozo School of Law, Conference: Constitutional Conflicts and the Judicial Role in Comparative Perspective, May 2015. “Religious and Economic Minorities in American Constitutional History.”

Yale Law School, Freedom of Expression Scholars Conference, May 2014. “First Amendment Challenges to Economic Regulation in the Jehovah’s Witness Cases.”

Law & Society Association, May 2014. Panel Presentation: “Militant Civil Libertarianism.”

N.Y.U. School of Law, Legal History Colloquium, April 2014. “The Civil Libertarian Conditions of Peacetime Conscription.”

Stanford Law School, Faculty Workshop, February 2014. “The Administrative Origins of Modern Civil Liberties Law.”

American Historical Association, January 2014. Panel Presentation: “Objecting to Warfare and Welfare in World War II.”

Yale University, Center for Historical Inquiry and the Social Sciences, November 2013. “The Civil Libertarian State.”

American Society for Legal History, November 2013. Panel Presentation: “Administrative Law Reform as National Security Politics.”

Yale Law School, Information Society Project, March 2013. “Conscience, Coercion, and Equality in Catholic American Legal Thought.”

Cardozo School of Law, Conference: The Ballot, the Bench, and the Bedroom, January 2013. “Equality, Conscience, Privacy: Ambiguities in the History of Reproductive Rights.”

American Society for Legal History, November 2012. Panel Presentation: “The Administration of Conscience: Felix Frankfurter, the World War I Draft, and the Origins of Modern Civil Liberties Law.”

University of Sheffield, Conference: Confronting U.S. Power After the Vietnam War, October 2012. Panel Presentation: “Conscientious Objection to Warfare and Welfare: The Catholic Legal Critique of the American State, 1962-2012.”

American Civil Liberties Union, May 2012. “Conscientious Objection and Catholic Legal Thought, 1965 to the Present.”

Remarque Institute, New York University, Humanitarianism and Human Rights Workshop, March 2012. “Between Humanity and Human Rights: The Crisis of the Nation-State in World War I” (with Adam Tooze).

Columbia Law School, Symposium: Occupy Wall Street, the First Amendment, and the Politics of Free Speech, November 2011. “Freedom of Assembly?”

University of California, Los Angeles, Conference: Conscripted Subjects, February 2011. Panel Presentation: “The Right Not to Be Conscripted.”

AWARDS AND HONORS

Milton Handler Fellowship, Columbia Law School, 2016-2018

William Nelson Cromwell Foundation Research Grant, American Society for Legal History, 2013-2014

Tikvah Scholar-in-Residence Award, N.Y.U. School of Law, 2013-2014

Center for the United States and the Cold War Travel Fellowship, Tamiment Library, New York University, 2013-2014

Harry Middleton Fellowship in Presidential Studies, Lyndon B. Johnson Foundation, University of Texas, Austin, 2012-2013

Smith Richardson Foundation Fellowship in International History and Security, Yale University, 2012

Lyndon B. Johnson Library Grant-in-Aid, University of Texas, Austin, 2012

Graduate Fellowship, Center for Jewish Law and Contemporary Civilization, Cardozo School of Law, 2011-2013

Ganzfried Family Travel Fellowship, Yale University, 2011

Richard J. Franke Fellowship, Yale University, 2010-2012

Gates Cambridge Scholarship, King’s College, University of Cambridge, 2006-2008

Redhead Prize, University of Cambridge, 2007

SELECTED POPULAR PUBLICATIONS

The Last Lost Cause, JACOBIN (Spring 2013) (reviewing IRA KATZNELSON, FEAR ITSELF (2013))

Nothing But Freedom: Anthony Kennedy and the Affordable Care Act, N+1 (Summer 2012)

The Closing of the Public Square, THE NEW REPUBLIC (Jan. 12, 2012) (reviewing JOHN INAZU, LIBERTY’S REFUGE (2012) & TIMOTHY ZICK, SPEECH OUT OF DOORS (2008))

SERVICE

Co-Director, 20th Century Politics and Society Workshop, Columbia University (with Ira Katznelson and Adam Tooze)

Co-Director, Legal History Workshop, Columbia Law School (with Kellen Funk, Maeve Glass, Adam Kosto, Stephanie McCurry, Christina Ponsa-Kraus, Emmanuelle Saada, and Madeleine Zelin)

Advisory Board Member, Center for Science and Society, Columbia University

Member, Committee on the History of Administrative Law, Section on Administrative Law and Regulatory Practice, American Bar Association

Referee: Oxford University Press; *Comparative Studies in Society and History*; *American Journal of Legal History*; *Yale Law Journal*; *Harvard Law Review*; *Stanford Law Review*; *Columbia Law Review*