

## LINDA C. McCLAIN

Boston University School of Law  
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### EMPLOYMENT

Boston University School of Law, Robert Kent Professor of Law; Professor of Law and Paul M. Siskind Research Scholar, 2007-2019; Affiliated Faculty, Kilachand Honors College; Women's, Gender & Sexuality Studies Program

Courses Taught: Family Law; Children and the Law; Feminist Jurisprudence;  
Colloquium: Gender, Law, and Policy; Marriage, Families, and Gender:  
Legal and Social Controversies (seminar), Kilachand Honors College

Hofstra University School of Law, Rivkin Radler Distinguished Professor of Law, 2004-2007; Co-Director, Institute for the Study of Gender, Law, and Policy, 2005-2007; Professor, 1997-2004; Associate Professor, 1991-1997

Courses Taught: Family Law; Child, Family & State; Comparative Family Law;  
Feminist Jurisprudence; Jurisprudence; Colloquium on Contemporary Issues in Gender,  
Law, and Policy; Law and the Welfare State; Property

University of Pennsylvania Law School, Visiting Professor, Spring 2006

Courses Taught: Family Law; Feminist Legal Theory

Harvard Law School, Visiting Professor, Winter Term 2000

Course Taught: Feminist Jurisprudence

University of Virginia School of Law, Visiting Associate Professor, Fall 1993

Courses Taught: Feminist Legal Theory; Jurisprudence

Cravath, Swaine & Moore, Associate, Litigation, 1985-1990

### RESEARCH FELLOWSHIPS AND HONORS

Laurance S. Rockefeller Visiting Faculty Fellow, University Center for Human Values, Princeton University, 2016-2017

Harvard University, Faculty Fellow in Ethics, The Center for Ethics and the Professions, 1999-2000 Academic Year

Faculty Fellow, Religion Fellows Program, Boston University School of Theology and Institute on Religion, Culture, and World Affairs, 2010 – 2014

David Saul Smith Award for Excellence in Legal Scholarship, BU Law, 2011

Dean's Award for Scholarship, BU Law, 2011, 2013

Hofstra University, Stessin Prize for Outstanding Scholarship, 1997

## EDUCATION

New York University School of Law, LL.M., 1991 (General)  
Fields: Jurisprudence; Gender and the Law

Georgetown University Law Center, J.D., *cum laude*, 1985  
Honors: Editor, Georgetown Law Journal; Dean's List all three years

University of Chicago, A.M., Divinity School, 1981  
Field: Religious Studies  
Honors: Full Tuition Scholarship

Oberlin College, B.A., High Honors in Religion, 1980  
Majors: Religion; Government  
Honors: Phi Beta Kappa; Senior Honors Thesis

## PUBLICATIONS

### Books

WHO'S THE BIGOT? LEARNING FROM CONFLICTS OVER MARRIAGE AND CIVIL RIGHTS  
(Oxford University Press, 2020)

CONTEMPORARY FAMILY LAW (West Academic Publishing, 5<sup>th</sup> ed., 2019) (with Douglas E. Abrams, Naomi R. Cahn, and Catherine J. Ross) (and online Teacher's Manual) (was also co-author of fourth edition, published in 2015)

GAY RIGHTS AND THE CONSTITUTION (Foundation Press, 2016) (with James E. Fleming, Sotirios A. Barber, and Stephen Macedo)

ORDERED LIBERTY: RIGHTS, RESPONSIBILITIES, AND VIRTUES (Harvard University Press, 2013) (with James E. Fleming)

WHAT IS PARENTHOOD?: CONTEMPORARY DEBATES ABOUT THE FAMILY (co-editor, with Daniel Cere) (New York University Press, 2013)

GENDER EQUALITY: DIMENSIONS OF WOMEN'S EQUAL CITIZENSHIP (co-editor, with Joanna L. Grossman) (Cambridge University Press, 2009) (paperback ed. 2012) (mentioned in credits of *On the Basis of Sex*)

THE PLACE OF FAMILIES: FOSTERING CAPACITY, EQUALITY, AND RESPONSIBILITY (Harvard University Press, 2006)

### Articles in Journals

*Response to Commentaries on Who's the Bigot?*, 99 B.U.L. REV. 2713 (2019) (responses to commentaries by John Corvino, Melissa Murray, Sonu Bedi, Douglas NeJaime, James Fleming, and Imer Flores in book symposium on MCCLAIN, WHO'S THE BIGOT?)

“‘Male Chauvinism’ Is Under Attack from All Sides at Present:” *Roberts v. Jaycees, Sex Discrimination, and the First Amendment*, 87 *FORDHAM L. REV.* 2385 (2019) (invited symposium)

*Formative Projects, Formative Influences: Of Martha Albertson Fineman and Feminist, Liberal, and Vulnerable Subjects*, 67 *EMORY LAW JOURNAL* 1175 (2018) (invited article for special symposium on the work of Martha Albertson Fineman)

*Prejudice, Constitutional Moral Progress, and Being “On the Right Side of History:” Reflections on Loving v. Virginia at Fifty*, 86 *FORDHAM LAW REVIEW* 2701 (2018) (invited article for symposium, “Fifty Years of *Loving v. Virginia* and the Continued Pursuit of Racial Equality”)

*The Family, the State, and American Political Development as a Big Tent: Asking Basic Questions about Basic Institutions*, 48(2) *POLITY* 224 (April 2016) (invited essay for *Symposium: The Family, the State, and American Political Development*)

*Reading DeBoer and Obergefell through the “Moral Readings Versus Originalisms” Debate: From Constitutional “Empty Cupboards” to Evolving Understandings*, 31 *CONSTITUTIONAL COMMENTARY* 441 (2016) (symposium)

*The Civil Rights Act of 1964 and “Legislating Morality”: On Conscience, Prejudice, and Whether “Stateways” Can Change “Folkways,”* 95 *B.U. L. REV.* 891 (2015) (symposium)

*Is There a Way Forward in the “War Over the Family”?*, 93 *TEXAS L. REV.* 705 (2015) (review essay on CLARE HUNTINGTON, *FAILURE TO FLOURISH* (Oxford University Press, 2014))

*Corporate Conscience and the Contraceptive Mandate: A Dworkinian Reading*, 30:1 *J. LAW AND RELIGION* 136 (May 2015) (invited article)

*Can Religion Without God Lead to Religious Liberty Without Conflict?*, 94 *B.U. L. REV.* 1273 (2014) (symposium issue)

*Common and Uncommon Families in the American Constitutional Order*, 67 *VANDERBILT L. REV. EN BANC* 19 (2014) (review essay on MARK E. BRANDON, *STATES OF UNION: FAMILY AND CHANGE IN THE AMERICAN CONSTITUTIONAL ORDER* (University of Kansas Press, 2013))

*Ordered Gun Liberty: Rights with Responsibilities and Regulation*, 94 *B.U.L. REV.* 849(2014) (with James E. Fleming) (symposium issue)

*Federal Family Policy and Family Values from Clinton to Obama, 1992-2012 and Beyond*, 2013 *MICH. STATE. U. L. REV.* 1621 (symposium issue)

*Ordered Liberty: A Response to Three Views*, 28 *CONST. COMM.* 435 (2013) (with James E. Fleming) (responding to reviews by Toni Massaro, Ken Kersch, and Abner Greene of my book, *Ordered Liberty: Rights, Responsibilities, and Virtues*)

*From Romer v. Evans to United States v. Windsor: Law as a Vehicle for Moral Disapproval in Amendment 2 and the Defense of Marriage Act*, 20 *DUKE J. GENDER L. & POLICY* 351 (2013) (based on invited lecture for 20<sup>th</sup> anniversary symposium issue)

- Against Agnosticism: Why the Liberal State Isn't Just One (Authority) Among the Many*, 93 B.U. L. REV. 1319 (2013) (on ABNER S. GREENE, *AGAINST OBLIGATION* (Harvard University Press, 2012)) (book symposium)
- The Other Marriage Equality Problem*, 93 B.U. L. REV. 921 (2013) (symposium)
- Constitutional and Religious Redemption: Assessing Jack Balkin's Call for a "Constitutional Project,"* 92 B.U.L. REV. 1187 (2012) (book symposium)
- Involuntary Servitude, Public Accommodations Laws, and the Legacy of Heart of Atlanta Motel v. United States*, 71 U. MD. L. REV. 83 (2011) (symposium)
- Respecting Freedom and Cultivating Virtues in Justifying Constitutional Rights*, 91 B.U.L. REV. 1311 (2011) (with James E. Fleming) (symposium)
- Religious and Political Virtues and Values in Congruence or Conflict?: On Smith, Bob Jones University, and Christian Legal Society*, 32 CARDOZO L. REV. 1959 (2011) (symposium)
- Justice and Elegance for Hedgehogs – in Life, Law, and Literature*, 90 B.U.L. REV. 863 (2010) (symposium on Ronald Dworkin's book manuscript, *Justice for Hedgehogs*)
- Supreme Court Justices, Empathy, and Social Change: A Comment on Lani Guinier's Democracy Through Dissent*, 89 B.U. L. REV. 589 (2009) (symposium)
- Red Versus Blue (and Purple) States and the Same-Sex Marriage Debate: From Values Polarization to Common Ground?*, 77 UNIVERSITY OF MISSOURI-KANSAS CITY LAW REVIEW 415 (2009) (symposium)
- Family Life, the Politics of the Family, and Social Transformation*, 17:1 THE GOOD SOCIETY 68 (2008) (response to symposium on my book, *The Place of Families*)
- Unleashing or Harnessing "Armies of Compassion"?: Reflections on the Faith-Based Initiative*, 39 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 361 (2008) (symposium)
- The "Male Problematic" and the Problems of Family Law: A Response to Don Browning's "Critical Familism,"* 56 EMORY LAW JOURNAL 1407 (2007)
- Love, Marriage, and the Baby Carriage: Revisiting the Channeling Function of Family Law* 28 CARDOZO LAW REVIEW 2133 (2007) (invited lecture)
- Family Constitutions and the (New) Constitutional Order*, 75 FORDHAM LAW REVIEW 833 (2006) (symposium)
- "God's Created Order," Gender Complementarity, and the Federal Marriage Amendment*, 20 BYU JOURNAL OF PUBLIC LAW 313 (2006) (symposium)
- The Evolution – or End – of Marriage?: Reflections on the Impasse Over Same-Sex Marriage*, 44 FAMILY COURT REVIEW 200 (2006) (invited commentary on "Special Issue: The Evolution of Marriage," 44 FAMILY COURT REVIEW 33 (2006))

- Some ABCs of Feminist Sex Education (in Light of the Sexuality Critique of Legal Feminism)*, 15 COLUMBIA JOURNAL OF GENDER & LAW 63 (2006) (symposium)
- Constitutionalism, Judicial Review, and Progressive Change*, 84 TEXAS LAW REVIEW 433 (2005) (with James E. Fleming) (essay on Ran Hirschl, TOWARDS JURISTOCRACY (Harvard University Press, 2004)) (with a reply by Hirschl)
- Bend It Like Beckham and Real Women Have Curves: Constructing Identity in Multicultural Coming-of-Age Stories*, 54 DEPAUL LAW REVIEW 701 (2005) (symposium)
- Negotiating Gender and (Free and Equal) Citizenship: The Place of Associations*, 72 FORDHAM LAW REVIEW 1569 (2004) (symposium)
- Intimate Affiliation and Democracy: Beyond Marriage?*, 32 HOFSTRA LAW REVIEW 379 (2003) (symposium) (was lead organizer of this symposium)
- Care as a Public Value: Linking Responsibility, Resources, and Republicanism*, 76 CHICAGO-KENT LAW REVIEW 1673 (2001) (symposium)
- The Domain of Civic Virtue in a Good Society: Families, Schools, and Sex Equality*, 69 FORDHAM LAW REVIEW 1617 (2001) (symposium)
- Toward a Formative Project of Securing Freedom and Equality*, 85 CORNELL LAW REVIEW 1221 (2000) (symposium)
- Some Questions for Civil Society-Revivalists*, 75 CHICAGO-KENT LAW REVIEW 301 (2000) (with James E. Fleming) (symposium)
- Foreword: Legal and Constitutional Implications of the Calls to Revive Civil Society*, 75 CHICAGO-KENT LAW REVIEW 289 (2000) (with James E. Fleming) (symposium) (was co-organizer of this symposium)
- Reconstructive Tasks for a Liberal Feminist Conception of Privacy*, 40 WILLIAM & MARY LAW REVIEW 759 (1999) (symposium)
- The Liberal Future of Relational Feminism: Robin West's Caring for Justice*, 24 LAW & SOCIAL INQUIRY 477 (1999)
- Toleration, Autonomy, and Governmental Promotion of Good Lives: Beyond "Empty" Toleration to Toleration as Respect*, 59 OHIO STATE LAW JOURNAL 19 (1998)
- Deliberative Democracy, Overlapping Consensus, and Same-Sex Marriage*, 66 FORDHAM LAW REVIEW 1241 (1998) (symposium)
- In Search of a Substantive Republic*, 76 TEXAS LAW REVIEW 509 (1997) (with James E. Fleming) (essay on Michael J. Sandel, DEMOCRACY'S DISCONTENT (Harvard University Press, 1996), and Cass R. Sunstein, LEGAL REASONING AND POLITICAL CONFLICT (Oxford University Press, 1996))
- "Irresponsible" Reproduction*, 47 HASTINGS LAW JOURNAL 339 (1996)

*Inviolability and Privacy: The Castle, The Sanctuary, and The Body*, 7 YALE JOURNAL OF LAW & THE HUMANITIES 195 (1995) (symposium)

*Rights and Irresponsibility*, 43 DUKE LAW JOURNAL 989 (1994) (delivered as 1993-94 *Duke Law Journal Lecture*)

*The Poverty of Privacy?*, 3 COLUMBIA JOURNAL OF GENDER & LAW 119 (1992) (symposium)

*"Atomistic Man" Revisited: Liberalism, Connection, and Feminist Jurisprudence*, 65 SOUTHERN CALIFORNIA LAW REVIEW 1171 (1992)

## Chapters in Books

*Palmore v. Sidoti (1984): Fourteenth Amendment Equal Protection and Family Law*, in PAINTING CONSTITUTIONAL LAW (Howard Wasserman and M.C. Mirow, eds., Brill, forthcoming 2020) (to be published as part of Brill's *Legal History Library* series) (book pairs essays by law professors commenting on paintings by Miami artist Xavier Cortado, inspired by canonical Supreme Court opinions that involve Florida in some significant way)

*Bigotry, Civility, and Civic Education: Reflections on Government's Formative Task Amidst Polarization*, in THE ROLE OF LAW IN CHARACTER FORMATION (John Witte, H. Jr. & Michael Welker, ed., Leipzig, Germany: Eva Press, forthcoming 2020)

*The Rhetoric of Bigotry and Conscience in Battles over "Religious Liberty v. LGBT Rights,"* in RELIGIOUS FREEDOM, LGBT RIGHTS, AND THE PROSPECTS FOR COMMON GROUND 213-232 (William S. Eskridge, Jr. & Robin Fretwell Wilson, eds., Cambridge University Press, 2019)

*Dworkin's Perfectionism* (with James E. Fleming), in LAW AND DIGNITY: ESSAYS IN HONOUR AND MEMORY OF PROFESSOR RONALD DWORKIN (Lokendra Malik, ed., Oxford University Press, 2018)

*Civil Marriage for Same-Sex Couples, "Moral Disapproval," and Tensions between Religious Liberty and Equality*, in RELIGIOUS FREEDOM AND GAY RIGHTS: EMERGING CONFLICTS IN NORTH AMERICA AND EUROPE 87-131 (Timothy Shah, ed., Oxford University Press, 2016)

*The Intersection of Civil and Religious Family Law in the U.S. Constitutional Order: A Mild Legal Pluralism*, in BEYOND SECULARISM: POLITICAL RELIGION, LEGAL PLURALISM, AND DEMOCRATIC CONSTITUTIONALISM 379-399 (Jean L. Cohen and Cecile Laborde, eds., Columbia University Press, 2015)

*Liberty* (with James E. Fleming), in OXFORD HANDBOOK OF THE UNITED STATES CONSTITUTION 479-500 (M. Tushnet, S. Levinson & M. Graber, eds., Oxford University Press, 2015)

*The Family and Medical Leave Act, Work/Family Policy, and Family Values in the Clinton and Obama Administrations: A Story of Progress and Unfinished Business*, in WOMAN UP! 2: A TRANSATLANTIC GENDER DIALOGUE 97-109 (Maari Põim and Judit Tánčzos, eds, Foundation for Progressive European Studies, 2015)

- Revisiting Mary Ann Glendon: Abortion, Divorce, Dependency, and Rights Talk in Western Law* (co-authored with Margaret Brinig), in *LES SOLIDARITÉS ENTRE GÉNÉRATIONS/SOLIDARITY BETWEEN GENERATIONS* 349 (Huguues Fulchiron, ed., Bruylant, 2013)
- Marriage Pluralism, Family Law Jurisdiction, and Sex Equality in the United States*, in *GENDER, RELIGION AND FAMILY LAW: THEORIZING CONFLICTS BETWEEN WOMEN'S RIGHTS AND CULTURAL TRADITIONS* 76-115 (Lisa Fishbayn Joffe and Sylvia Neil, eds., Brandeis University Press, 2013)
- Nature, Culture, and Social Engineering: Reflections on Evolution and Equality*, in *NOMOS LII: EVOLUTION AND MORALITY* (James E. Fleming and Sanford Levinson, eds., NYU Press, 2012)
- Marriage Pluralism in the United States: Civil and Religious Jurisdiction over Family Law and the Demands of Equal Citizenship*, in *MARRIAGE AND DIVORCE IN A MULTI-CULTURAL CONTEXT: MULTI-TIERED MARRIAGE AND THE BOUNDARIES OF CIVIL LAW AND RELIGION* 309 (Joel Nichols, ed., Cambridge University Press, 2012)
- What's So Hard about Sex Equality? Nature, Culture, and Social Engineering?*, in *TRANSCENDING THE BOUNDARIES OF LAW: GENERATIONS OF FEMINISM AND LEGAL THEORY* (Martha Albertson Fineman, ed., Routledge, 2011)
- Child, Family, State, and Gender Equality in Religious Stances and Human Rights Instruments: A Preliminary Look*, in *WHAT IS RIGHT FOR CHILDREN?: THE COMPETING PARADIGMS OF RELIGION AND HUMAN RIGHTS* (Martha Albertson Fineman and Karen Worthington eds., Ashgate, 2009)
- The Role of the "Natural Family" in Religious Opposition to Human Rights Instruments*, in *FAMILY LAW: BALANCING INTERESTS AND PURSUING PRIORITIES* 95 (Lynn D. Wardle and Camille S. Williams eds., William S. Hein & Co., 2007)
- What Place for Marriage (E)quality in Marriage Promotion?*, in *MARRIAGE PROPOSALS: QUESTIONING A LEGAL STATUS* 106 (Anita Bernstein ed., New York University Press, 2006)
- Deterring "Irresponsible" Reproduction Through Welfare Reform*, in *FEMINISM CONFRONTS HOMO ECONOMICUS* 225 (Martha Albertson Fineman & Terence Dougherty eds., Cornell University Press, 2005) (adapted from longer article)
- The Domain of Civic Virtue in a Good Society: Families, Schools, and Sex Equality*, in *VARIETIES OF FEMINIST LIBERALISM* 207 (Amy Baehr ed., Rowman & Littlefield, 2004) (adapted from longer article)
- Citizenship Begins at Home: The New Social Contract and Working Families*, in *PROGRESSIVE POLITICS IN THE GLOBAL AGE* 95 (Henry Tam ed., Polity Press, 2001)
- The Right to Privacy in Sandel's Procedural Republic*, in *DEBATING DEMOCRACY'S DISCONTENT: ESSAYS ON AMERICAN POLITICS, LAW, AND PUBLIC PHILOSOPHY* 248 (Anita L. Allen & Milton C. Regan, Jr. eds., Oxford University Press, 1998) (with James E. Fleming) (excerpted from *In Search of a Substantive Republic*)

*Equality, Oppression, and Abortion: Women Who Oppose Abortion Rights in the Name of Feminism*, in FEMINIST NIGHTMARES: WOMEN AT ODDS 159 (Susan Ostrov Weisser & Jennifer Fleischner eds., New York University Press, 1994)

## RESEARCH AND WRITING IN PROGRESS

“A Woman’s ‘Best Right’ – To a Husband or the Ballot?: Political and Household Governance in Anthony Trollope’s *Palliser Novels, 1864-1880*” (article in progress)

“Liberal Feminist Jurisprudence,” draft chapter for OXFORD HANDBOOK OF FEMINISM AND THE LAW IN THE UNITED STATES (Martha Chamallas, Deborah Brake, and Verna Williams, editors, Oxford University Press)

“The Role of Government in Making American Families ‘Great’ (Again): Evaluating Clashing Rhetoric, Policies, and Values in the 2016 and 2018 Elections (working paper, prepared for Workshop on the Clash of Values: Paternalism versus Liberalism, Emory University School of Law, January 25 & 26, 2019)

“James Q. Wilson’s – and Society’s – Marriage Problems” (unpublished book chapter; submitted for book in progress on legacy of James Q. Wilson, POLITICAL SCIENCE RIGHTLY UNDERSTOOD (R. Shep Melnick et al, eds.)

## SHORTER PUBLICATIONS, ONLINE WRITING, AND MEDIA PRESENTATIONS

### Book Reviews

*Book Review: Tamara Metz, Untying the Knot: Marriage, the State, and the Case for Their Divorce* (Princeton, 2010), 126 POLITICAL SCIENCE QUARTERLY (2011)

Review of PRIVACIES: PHILOSOPHICAL EVALUATIONS (Beate Rossler ed., 2004), in 3 PERSPECTIVES ON POLITICS 359 (June 2005)

*The Place of Marriage in Democracy’s Formative Project*, 11:3 THE GOOD SOCIETY 50 (2002) (was also organizer of this book symposium on Nancy F. Cott’s *Public Vows: A History of Marriage and the Nation* (Harv. Univ. Press, 2000))

*Making Diversity Safe for Liberal Democracy*, JURIST: Books-On-Law, April 2001, <http://jurist.law.pitt.edu/law/books/revapr01.htm#McClain> (reviewing Stephen Macedo, DIVERSITY AND DISTRUST (Harvard University Press, 2000))

### Online Symposia (including Book Symposia)

*Will Focusing on Men’s Moral Calculus Make Abortion Less “about” Gender?*, Concurring Opinions, April 6, 2017, <https://concurringopinions.com/archives/2017/04/will-focusing-on-mens-moral-calculus-make-abortion-less-about-gender.html> (book symposium on Carol Sanger, *About Abortion* (Harv. Univ. Press, 2017)



*Conscience Protection and Discrimination in the Republican Party Platform and Mississippi's H.B. 1523*, July 30, 2016, Cornerstone, <https://www.religiousfreedominstitute.org/cornerstone/2016/7/30/conscience-protection-and-discrimination-in-the-republican-party-platform-and-mississippis-hb-1523>

*From Outlaw to Outcast to In-Law? Contesting the Perils of Marriage Equality*, (April 11, 2016), ANNEX, <http://www.bu.edu/bulawreview/mcclain-outlaw-outcast-in-law/> (book symposium on Katherine Franke's *WEDLOCKED: THE PERILS OF MARRIAGE EQUALITY*) (also helped to organize this symposium)

*Conscience, Discrimination, and Marriage Equality: Are Analogies to 1964-and 1967- Inevitable?*, for *Responding to RFRA and Beyond*, May 5, 2015, Cornerstone, <http://berkleycenter.georgetown.edu/cornerstone/indiana-rfra-and-beyond/responses/conscience-discrimination-and-marriage-equality-are-analogies-to-1964-and-1967-inevitable>

Organizer and contributor, Book Symposium on Clare Huntington, *Failure to Flourish: How Family Law Undermines Family Relationships* (Oxford, 2014), balkinization, Oct. 27-Nov. 3, 2014, <http://balkin.blogspot.com/2014/11/collected-links-for-symposium-on.html>

Responses to reviews in online book symposium about Fleming and McClain *Ordered Liberty: Rights, Responsibilities, and Virtues*, on balkinization, February, 2013, [http://balkin.blogspot.com/2013\\_02\\_17\\_archive.html](http://balkin.blogspot.com/2013_02_17_archive.html).

Responses to reviews in online book symposium about *Ordered Liberty*, on *Concurring Opinions* blog, Feb. 24-March 4, 2013 <http://www.concurringopinions.com/archives/category/symposium-ordered-liberty>

### **Podcasts, Media Appearances, and Op-eds**

Guest, Minnesota Public Radio, Analysis: Supreme Court Declares Same-Sex Marriage Legal in All 50 States, June 26, 2015, <http://www.mprnews.org/story/2015/06/26/npr-analysis-supreme-court-declares-samesex-marriage-legal-in-all-50-states>

Rev. Amy Zietlow, *What Is Marriage? A Conversation with Linda McClain*, Huffington Post.(Jan. 16, 2014), [https://www.huffpost.com/entry/what-is-marriage-a-conver\\_b\\_4610940](https://www.huffpost.com/entry/what-is-marriage-a-conver_b_4610940)

Interview (by Nick Sagos), *New Books in Public Policy* podcast (on James E. Fleming and Linda C. McClain, *Ordered Liberty* (Harv. Univ. Press, 2013)), Dec. 2, 2013

Guest, WBUR (Radio Boston), Episode: Two Landmark Rulings by Nations's Highest Court Bolster Gay Marriage, June 26, 2013, <https://www.wbur.org/radioboston/2013/06/26/two-landmark-rulings-by-nations-highest-court-bolsters-gay-marriage>

Guest, Minnesota Public Radio, Episode: Supreme Court Hands Two Wins to Supporters of Same-Sex Marriage, June 26, 2013, <http://www.mprnews.org/story/2013/06/26/daily-circuit-supreme-court>

Conversations with David Blankenhorn: What Is Parenthood?, May 2, 2013 (discussing McClain and Cere, eds., *What Is Parenthood?* (NYU Press, 2013)) (audio podcast), <https://itunes.apple.com/us/podcast/conversations-david-blankenhorn/id628272442?mt=2>

“Exploring Gender Equality,” *Legal Talk Network*, Jan. 20, 2010 (podcast discussing McClain and Grossman, *Gender Equality* (Cambridge Univ. Press, 2009))

*What Was Marriage in the Framers’ Minds?*, *NEWSDAY*, June 11, 2006, A48

Guest appearance, “Connected Coast to Coast,” MSNBC, on same-sex marriage and civil unions, May 25, 2005 (debate with Mary Lyndon Shanley)

“Should States Abolish Marriage?,” *Legal Affairs Debate Club*, May 16, 2005-May 20, 2005 (online debate with Mary Lyndon Shanley)

*Back to Marriage, or to Servitude?*, *NEWSDAY*, April 13, 2003, A38

Participant, “Marriage and the State,” *Odyssey*, Chicago Public Radio, June 18, 2002

### **Online legal analysis and commentary; columns and blog posts**

Periodic blog posts on balkinization, <http://balkin.blogspot.com/>

Rich Barlow, *SCOTUS Gay Marriage Decision Rests on Anti-Religious Rhetoric*, *BU Today*, June 6, 2018 (interview about my analysis of *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018))

*POV: Scotus Should Not Permit “Boycott” of Same-Sex Marriage*, *BU Today*, Dec. 19, 2017 (commentary on oral argument in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*)

*Battle of the Sexist: The Implicit, Explicit, and Unrelenting Bias of Trump’s Presidential Campaign*, *VERDICT*, Oct. 11, 2016 (with Joanna L. Grossman), <https://verdict.justia.com/2016/10/11/battle-sexist-implicit-explicit-unrelenting-bias-trumps-presidential-campaign>

Rich Barlow, *The Impact of the Supreme Court Same-Sex Marriage Decision*, *BU Today*, June 30, 2015 (interview about my analysis of *Obergefell v. Hodges* (2015))

*The State of/and Nonmarital Unions*, Guest Blog on Concurring Opinions, Oct. 31, 2009, <http://www.concurringopinions.com/archives/2009/10/the-state-ofand-nonmarital-unions.html>

*Civil Marriage Equality in the District of Columbia*, Guest Blog on Concurring Opinions, Oct. 7, 2009, <http://www.concurringopinions.com/archives/2009/10/civil-marriage-equality-in-the-district.html>

*First Marriage*, Guest Blog on Concurring Opinions, Oct. 30, 2009, <http://www.concurringopinions.com/archives/2009/10/first-marriage.html>

*Why Gender Equality Still Matters*, www.feministlawprofessors.com, Sept. 1, 2009

*Unfinished Business: Sex Equality on the Global Agenda, Part Two of a Two-Part Series*, FINDLAW WRIT: LEGAL COMMENTARY, Sept. 1, 2009 (with Joanna Grossman), <http://writ.news.findlaw.com/grossman/20090901.html>

*Unfinished Business: Difference, Leadership, and Women's Equal Citizenship, Part One of a Two-Part Series*, FINDLAW WRIT: LEGAL COMMENTARY, August 31, 2009 (with Joanna Grossman), <http://writ.news.findlaw.com/grossman/20090831.html>

*The Iowa Supreme Court Appeals to Iowa's Constitution and Iowan Values to Strike Down Ban on Same-Sex Marriage – and Renders the Practice Once Again Legal in Three (Make That Four) States*, FINDLAW'S WRIT: LEGAL COMMENTARY, April 9, 2009 (with Joanna Grossman), <http://writ.news.findlaw.com/grossman/20090409.html>

*The California Supreme Court Rules in Favor of Marriage for Same-Sex Couples, Part I: Why Domestic Partnerships are Not Enough*, FINDLAW'S WRIT: LEGAL COMMENTARY, May 27, 2008 (with Joanna Grossman), <http://writ.news.findlaw.com/grossman/20080527.html>

*The California Supreme Court Rules in Favor of Marriage for Same-Sex Couples, Part II: How Conservative Reasons Led to a Progressive Result*, FINDLAW'S WRIT: LEGAL COMMENTARY, May 28, 2008 (with Joanna Grossman), <http://writ.news.findlaw.com/grossman/20080528.html>

*Eliot Spitzer's Fall from Grace: Reflections from a Feminist Perspective*, FINDLAW'S WRIT: LEGAL COMMENTARY, March 19, 2008 (with Joanna Grossman), [http://writ.news.findlaw.com/commentary/20080318\\_mcclain.html](http://writ.news.findlaw.com/commentary/20080318_mcclain.html)

*New Justices, New Rules: The Supreme Court Upholds the Federal Partial-Birth Abortion Ban Act of 2003*, FINDLAW'S WRIT: LEGAL COMMENTARY, May 1, 2007 (with Joanna Grossman), [http://writ.news.findlaw.com/commentary/20070501\\_mcclain.html](http://writ.news.findlaw.com/commentary/20070501_mcclain.html)

*Gonzales v. Carhart: How the Supreme Court's Validation of the Federal Partial-Birth Abortion Ban Act Affects Women's Constitutional Liberty and Equality*, FINDLAW'S WRIT: LEGAL COMMENTARY, May 1, 2007 (with Joanna Grossman), [http://writ.news.findlaw.com/commentary/20070507\\_mcclain.html](http://writ.news.findlaw.com/commentary/20070507_mcclain.html)

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COMMENTARY, June 28, 2005 (with Joanna Grossman),  
[http://writ.findlaw.com/commentary/20050628\\_mcclain.html](http://writ.findlaw.com/commentary/20050628_mcclain.html)

*The “Girly Men” Slur and Similar Insults: How They Show the Persistence of Sex-Role Stereotypes*,  
FINDLAW’S WRIT: LEGAL COMMENTARY, September 21, 2004 (with Joanna Grossman),  
[http://writ.findlaw.com/commentary/20040921\\_mcclain.html](http://writ.findlaw.com/commentary/20040921_mcclain.html)

*The Bush Administration’s Plan to Promote Marriage, and Why It Takes the Wrong Approach*,  
FINDLAW’S WRIT: LEGAL COMMENTARY, December 10, 2002,  
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#### SCHOLARLY PRESENTATIONS AND CONFERENCES

“A ‘Woman’s Best Right’ – To a Husband or the Ballot?: Political and Household Governance in Anthony Trollope’s Palliser Novels, 1864-1880,” to be presented in Workshop on Regulation of Family, Sex, and Gender, University of Chicago Law School, February 26, 2020

“Learning Bigotry’s Lessons,” inaugural lecture delivered for Robert Kent Chair Investiture Ceremony, Boston University School of Law, November 25, 2019

“A ‘Woman’s Best Right’ – To a Husband or the Ballot?: Political and Household Governance in Anthony Trollope’s Palliser Novels, 1864-1880,” presented at Tenth Annual Constitutional Law Colloquium, Loyola University Chicago School of Law, November 8, 2019

Panelist, “Restrictions on Marriage and Marriage Law’s Evolution,” 2019 Family Law Symposium: The Future of Marriage and Co-parenting, DePaul University College of Law, Chicago, Illinois, November 7, 2019

“Puzzles about Freedom of ‘Conscience’ and Obligations to Law and ‘Neighbor’: Is ‘Be the Church’ an Updated Decalogue?,” commentary given at The Ten Commandments, Freedom, and the Early Modern Roots of Western Jurisprudence (on keynote address by John Witte, Jr.), Boston University Questrom School of Business October 28, 2019 (sponsored by BU School of Theology and Coram Deo)

“Gendered Power: The Uncertain Marital Path to Political Rights” (on Anthony Trollope’s Palliser novels), presented at American Political Science Association Annual Meeting, Washington, DC, August 31, 2019

“Gendered Power, Privilege, and Political and Household Governance in Mid-Victorian England: Anthony Trollope’s Palliser Novels,” paper presented at 2019 Family Law Scholars & Teachers Conference, Howard University School of Law, May 29, 2019

“Calling Out Bigotry/Restoring Civility: Reflections on Civic Education Amidst Polarization,” paper presented at Consultation on “The Impact of Law on Character Formation, Ethical Education and the Communication of Values in Late Modern Pluralistic Societies,” held at Internationales Wissenschaftsforum (IWH), University of Heidelberg, Heidelberg, Germany, April 25-27, 2019

- “Religion and Gender Equality,” presentation at conference, “Reproductive Justice: Perspectives from Law, Religion, Business and Culture,” sponsored by Dedman College Interdisciplinary Institute Symposium, Southern Methodist University, Dallas, Texas, April 4 & 5, 2019
- Participant/Respondent in *Symposium: The Rhetoric of Bigotry* (on my book manuscript), 5<sup>th</sup> Annual Shawnee Trail Conference, Kinder Institute on Constitutional Democracy, University of Missouri, March 7 & 8, 2019 (responded to commentaries by Sonu Bedi, Catherine Rymph, and Mark Storslee)
- “The Role of Government in Making American Families ‘Great’ (Again): Evaluating Clashing Rhetoric, Policies, and Values in the 2016 and 2018 Elections,” presented at Workshop on the Clash of Values: Paternalism versus Liberalism, Emory University School of Law (Vulnerability and the Human Condition Initiative), January 25 & 26, 2019
- “Understanding (Some) Supreme Court Decisions Concerning the Fourteenth Amendment: Due Process Liberty and the Equal Protection Clause,” presentation to 8<sup>th</sup> grade Social Studies Teachers in Brookline public schools (on new Massachusetts History Frameworks curriculum on constitutional law), Brookline Town Hall, November 27, 2018
- “‘Male Chauvinism’ Is Under Attack from All Sides at Present’: *Roberts v. Jaycees*, Sex Discrimination, and the First Amendment,” paper presented at symposium sponsored by *Fordham Law Review* on Gender Equality and the First Amendment, Fordham Law School, November 1 & 2, 2018
- Participant/Respondent in “Conferencia: The Rhetoric of Bigotry and Conscience: Past and Present Controversies over Marriage and Civil Rights, by Linda C. McClain,” sponsored by the Instituto de Investigaciones Jurídicas, UNAM, Mexico City, October 4 & 5, 2018 (responded to commentaries on my book manuscript by John Corvino, James Fleming, Imer Flores (host) Stephen Macedo, Melissa Murray and Douglas NeJaime)
- “From ‘The Bigot’ in Our Midst to “Good People” with “Hidden Biases”: the Scientific Study of Prejudice,” panel presentation, Politics and History Section, American Political Science Association annual meeting, Boston, August 31, 2018
- “‘Sincere Believers,’ ‘Bigots,’ or ‘Superstitious Fools’: Motives and Morality in the Supreme Court’s Gay Rights Cases,” presented at Annual Law & Religion Roundtable, Penn Law, June 21-22, 2018
- “‘This Isn’t 1964 Anymore’ – Or Is It? Competing Appeals to the Civil Rights Past in Present Controversies over ‘Religious Liberty Versus LGBT Rights,’” presented at “Law, Religion, and Complicity Conference,” Princeton University, co-sponsored by University Center for Human Values and Law and Public Affairs, May 8, 2018

- “‘This Isn’t 1964 Anymore’ – Or Is It? Competing Appeals to the Civil Rights Past in Present Controversies over ‘Religious Liberty versus LGBT Rights,’” presented on panel at International Society for Family Law North American Regional Conference: Inequality and the Future of Family Law, University of Minnesota, April 27, 2018
- Panelist, Student-Faculty Forum, “MeToo/#YouToo?: What We Know about Sexual Harassment, Its History, and Future” (moderated by Virginia Sapiro), Howard Thurman Center for Common Ground, Boston University, February 13, 2018
- “Prejudice, Moral Progress, and Being ‘On the Right Side of History’: Reflections on *Loving v. Virginia* at 50,” draft chapter presented at Roundtable, Symposium: Fifty Years of *Loving v. Virginia* and the Continued Pursuit of Racial Equality, Fordham Law Review and Center on Race, Law & Justice, Fordham University, November 3, 2017
- “Prejudice, Moral Progress, and Not Being on ‘the Wrong Side of History’: Debating the Legacy of *Loving v. Virginia*,” draft chapter presented at Academic Workshop, Kinder Institute on Constitutional Democracy, University of Missouri (Columbia), October 19, 2017
- “Making American Families ‘Great’ Again?: Controversies over Families, Marriage, and Identity in the Post-Obama Era,” paper presented on panel at annual meeting of American Political Science Association, September 3, 2017
- “‘You are Waging a Fight of Morality and Conscience:’ Invoking Religion to Support or Oppose Civil Rights, Integration, and Intermarriage,” draft book chapter presented at Annual Law and Religion Roundtable, Chicago Faculty of the University of Notre Dame, June 15 & 16, 2017
- “The Grounds for Protecting Basic Liberties: Liberty Versus Equality or Liberty Together with Equality?,” draft chapter (presented with co-author James E. Fleming) at Faculty Workshop, Boston University School of Law, Faculty Workshop Series, May 4, 2017
- Lecture, “‘Am I A Bigot?’: Debating Mixed Marriages in the 1950s and 1960s as a Problem or Sign of Progress,” delivered at Center for Gender, Sexuality, Law & Policy, Rutgers University, Newark, April 18, 2017
- Debate: “Religious Liberty or a License to Discriminate?” (with Ryan Anderson), sponsored by Princeton Tory, held at Princeton University, April 12, 2017
- “Prejudice, Moral Progress, and not Being ‘On the Wrong Side of History?: Debating the Legacy of *Loving v. Virginia* for the Right to Marry,” draft book chapter, presented in workshop to New York Family Law Scholars, March 17, 2017
- “Prejudice, Moral Progress, and not Being ‘On the Wrong Side of History’: Debating the Legacy of *Loving v. Virginia* for the Right to Marry,” draft book chapter presented in Law & Public Affairs Works-in-Progress Workshop Series, Princeton University, March 15, 2017

“From ‘the Bigot in Our Midst’ to ‘Good People’ with Hidden Biases: the Scientific Study of Prejudice,” book chapter presented in discussion group on “Constitutional Democracy in Crisis?,” sponsored by the University of Maryland School of Law, March 3, 2017

Guest lecturer on religious exemptions and LGBT rights, Religion and Politics seminar, taught by Professor Stephen Macedo, Department of Politics, Princeton University, February 28, 2017

“‘This Isn’t 1964 Anymore’: Competing Uses of the Civil Rights Past in Antidiscrimination Law Controversies,” book chapter presented in Laurance S. Rockefeller Seminar, University Center for Human Values, Princeton University, February 14, 2017

“From ‘the Bigot in Our Midst’ to ‘Good People’ with Hidden Biases: the Scientific Study of Prejudice,” paper presented in Faculty Workshop, Temple University, Beasley College of Law, October 26, 2016

Guest Lecture, Ethics & Public Policy (Pol. 308, Professor Steven Macedo), Princeton University, November 15, 2016

“The Scientific Study of Prejudice and Why It Matters,” Dinner presentation, Human Values Forum, Princeton University, November 9, 2016

“Marriage, Conscience, and Bigotry: Religious Liberty and LGBT Rights in Conflict?,” presentation in Crossroads in Religion and Politics Series, Center for the Study of Religion and Woodrow Wilson School of Public and International Affairs, Princeton University, October 4, 2016

“Civil Marriage Equality versus Conscience and Religious Freedom? Rhetoric, Rights, and Resolutions in Comparative Perspective,” paper presented at “Family Realities and Family Law” Conference, International Society of Family Law, North American Regional Conference, Jackson Lake Lodge, Grand Tetons National Park, Wyoming, May 22-24, 2016

Participant and presenter at conference, “The Future of Religious Liberty and Liberal Tolerance,” Claremont McKenna College, May 19-21, 2016

“Comparative Vulnerability and (Equal) Protection from Discrimination,” paper presented at conference on Reproductive and Sexual Justice, co-sponsored by Vulnerability and the Human Condition Initiative & Northeastern Law, April 29 & 30, 2016

“*Obergefell*, Constitutional Interpretation, and the Future of Marriage,” paper presented at conference, “Democracy and Constitutionalism,” held at University of Maryland Carey School of Law, March 4 & 5, 2016

“Objections to Line-Crossing in Marriage: Interracial, Interfaith, Same-Sex,” paper presented at conference: Present and Future of Civil Rights Movements: Race and Reform in 21<sup>st</sup> Century America, Duke Law School, November 20-21, 2015

- Constitution Day Lecture: “*Obergefell*, Constitutional Interpretation, and the Future of Marriage” (with James E. Fleming), University of Missouri Kinder Institute on Constitutional Democracy (also David Aldrich Nelson Lecture in Constitutional Jurisprudence, Alexander Hamilton Institute), September 17, 2015
- Moderator and planner, Workshop on Shifting Foundations in Family Law: Family Law’s Response to Changing Families, AALS, Orlando, Florida, June 22-24, 2015
- “On Moral Readings, Originalisms, and Whether the Constitution is an ‘Empty Cupboard’ for Sex Equality and Marriage Equality,” paper presented at Conference on Law and Constitutional Interpretation: Moral Readings vs. Originalisms, sponsored by the Instituto de Investigaciones Juridas, UNAM, Mexico City, Feb. 16 & 17, 2015
- “Is There a Way Forward in the ‘War Over the Family,’” presented at Workshop on Theorizing the State: The Resources of Vulnerability Theory, Emory University School of Law, Dec. 5 & 6, 2014 (also was co-organizer of workshop)
- “Conscience, the Civil Rights Act of 1964, and ‘Legislating Morality,’” presented at The Civil Rights Act of 1964 at 50: Past, Present, and Future, Boston University School of Law, November 14 & 15, 2014 (also was lead organizer of this conference)
- “Marriage, Conscience, and Bigotry,” presented on Panel: Family, Sexuality, and the State, American Political Science Association Annual Meeting, Washington, DC, Aug. 30, 2014
- Guest Lecture, “Ordered Gun Liberty: Rights with Responsibilities and Regulation,” American Summer Studies Institute: Defining “Public” and “Private” in America, July 14, 2014, John F. Kennedy Presidential Library (co-sponsored by JFK Presidential Library and U Mass Boston)
- “Marriage, Conscience, and Bigotry,” presented at Fifth Annual Law and Religion Roundtable, Washington University School of Law, June 26, 2014
- Panelist, panel on “The Translation of Women’s Liberation into Law and Feminist Legal Theory and Practice,” at A Revolutionary Moment: Women’s Liberation in the Late 1960s and Early 1970s, sponsored by Women’s Gender and Sexuality Studies Program, Boston University, March 28, 2014 (also organized this panel)
- Lecture, “Marriage, Conscience, and Bigotry,” Emroch Faculty Colloquy Series and Family Law Speaker Series, University of Richmond School of Law, March 21, 2014
- “The Family and Medical Leave Act, Work/Family Policy, and Family Values in the Clinton and Obama Administrations: A Story of Progress and Unfinished Business Panelist,” presented on panel, “Revisiting the Core Policy: Gendered Analysis of the New Welfare State,” at Conference: Woman Up! For a New Progressive Agenda: Fifth Transatlantic Dialogue on Gender Issues, co-sponsored by the Foundation for Progressive European Studies and the Boston University Center for the Study of Europe, Boston University, March 3, 2014



- “The Family and the State: Muddles, Methods, and Materials for a Feminist/New Progressive Social Ecology,” presented at Feminist and Legal Theory Project at 30: A Workshop on the Transformation of the Family and the Recognition and Regulation of Intimate Lives, Emory University School of Law, Dec. 6 & 7, 2013
- “Ordered Gun Liberty: Rights with Responsibilities and Regulation,” presented at conference, America’s Political Dysfunction: Constitutional Connections, Causes and Cures, held at Boston University School of Law, Nov. 15-16. 2013
- Panelist, “The Present State of Constitutional Theory,” annual meeting of the American Political Science Association, held on August 31, 2013, in Chicago (sponsored by the Institute for Constitutional Studies)
- “Women’s Equal Citizenship: Contemporary Issues, Contemporary Challenges,” Guest Lecture in American Summer Studies Institute, held on July 12, 2013, John F. Kennedy Presidential Library
- Roundtable: New Books on Dilemmas of Family, Marriage, and Gender (discussing my co-edited *What Is Parenthood?: Contemporary Debates about the Family* (New York University Press, 2013) and other books), Law & Society Association annual meeting, held on May 30, 2013, Boston
- Public conversation on *What Is Parenthood?: Contemporary Debates about the Family*, with David Blankenhorn, President, Institute for American Values, at the Center for Public Conversation, May 2, 2013, in New York City, as part of “Marriage: Time for a New Conversation” series
- “Clintonism, Family Law and Equality, 1992-2012 and Beyond,” presented in Symposium, In Search of Equality in Family Law, sponsored by Michigan State Law Review, April 11-12, 2013, held at Michigan State University
- Commentator, “Character and Culture” panel at *Thinking Politics* conference (on the work of James Q. Wilson), Boston College, held on April 5, 2013 (co-sponsored by Boston College and Harvard University)
- “*Romer v. Evans* Now and Then: Law as a Vehicle for Moral Disapproval in DOMA, Prop 8, and Amendment 2,” invited lecture delivered for symposium celebrating 20<sup>th</sup> anniversary of the *Duke Journal of Gender Law & Policy*, February 26, 2013, Duke Law School
- Symposium on co-edited book, *What Is Parenthood?: Contemporary Debates about the Family* (NYU Press, 2013) (with Daniel Cere), held on March 4, 2013, Boston University School of Law
- “Family Law, Religion, and Pluralism: A Typology of Contemporary Cases and Controversies,” paper presented on panel, “Religious Legal Pluralism and Family Law,” at Conference on Religious Freedom, Legal Pluralism, and Democratic Constitutionalism, held on February 22 -23, 2013, at Columbia University, Blinken European Institute
- Symposium on co-authored book (with James E. Fleming), *Ordered Liberty: Rights, Responsibilities, and Virtues* (Harvard, 2013), held on February 11, 2013, Boston University School of Law

- “Defining and Supporting the Parent-Child Relationship: Comparative and International Perspectives,” Moderator and organizer, program of Section on Family and Juvenile Law, Association of American Law Schools annual meeting, held on January 4-7, 2013, New Orleans
- “Against Agnosticism,” paper presented at *BU Law Review* book symposium on Abner S. Greene, *The Multiple Sources of Authority in a Liberal Democracy* (2012) and Louis Michael Seidman, *On Constitutional Disobedience* (2013), November 8, 2012
- “The Other Marriage Equality Problem,” paper presented on panel, Family, at *BU Law Review* Conference, “Evaluating Claims about ‘the End of Men’: Legal and Other Perspectives,” held on October 12-13, 2012 at Boston University School of Law (also lead organizer for conference)
- “Government’s Role in Promoting Civic Virtue,” book chapter presented at conference on “Virtue, Citizenship, and the Law: Interdisciplinary Perspectives” (annual SUCOL workshop), Syracuse University College of Law, May 21-22, 2012
- “Marriage and the Law,” Roundtable discussion, Princeton University, May 4, 2012, sponsored by program in Law and Public Affairs
- “Civil Marriage, ‘Moral Disapproval,’ and Tensions between Religious Liberty and Equality,” paper presented at conference, “Religious Freedom and Equality: Emerging Conflicts in North America and Europe,” held at Magdalen College, Oxford University, April 11-12, 2012 (sponsored by Religious Freedom Project, Georgetown University)
- “Changing Families, Contested Values: The Evolution of Family Law and Policy 1992-2012,” Keynote address, Lewis & Clark College Gender Studies Symposium, March 15, 2012
- “Taking Rights as Well as Responsibilities Seriously: the Case of Abortion,” draft book chapter presented at Feminist Legal Theory Collaborative Research Network, January 4, 2012, George Washington University Law School
- “Redeem the Time: Jack Balkin’s Call for a ‘Constitutional Project,’” paper delivered at book symposium, November 3, 2011, Boston University School of Law
- Commentator, Conference on “Democracy on Trial: Religion, Civil Society, and Democratic Theory” (on the works of Professor Jean Bethke Elshtain), October 13-14, 2011, University of Chicago Divinity School
- Constitution Day Lecture (with James Fleming), September 22, 2011, Northeastern University
- “Congruence and Conflict between Civil Society’s and Government’s Formative Projects,” paper presented in Distinguished Speakers’ Series, American University, Washington College of Law, April 15, 2011

“Involuntary Servitude, Public Accommodations Laws, and the Legacy of *Heart of Atlanta Motel v. United States*,” presented at Constitutional Law Shmooze on Thirteenth Amendment, held at University of Maryland School of Law, February 25 & 26, 2011

Panelist, Conference on Polygamy, Polygyny, and Polyamory: Ethical and Legal Perspectives on Plural Marriage, sponsored by Hadassah Brandeis Institute, Project on Gender, Culture, Religion and the Law, held at Brandeis University, November 7 & 8, 2010

“Respecting Freedom and Cultivating Virtues in Justifying Constitutional Rights,” paper presented at conference on Michael Sandel’s book, *Justice: What’s the Right Thing to Do?*, held at Boston University School of Law, October 14, 2010

Moderator/Commentator, Symposium: Twenty Years after *Employment Division v. Smith*, sponsored by Florsheimer Center for Constitutional Democracy, Benjamin N. Cardozo School of Law, October 7 -8, 2010

Panelist, “Mainstreaming Gender Equality: A Reality Check,” at 2010 North American Regional Meeting of the International Society of Family Law and the Midwest Family Law Consortium, held at University of Missouri Kansas City, June 3-5, 2010

“Toward a Feminist Social Ecology,” paper presented at 2010 North American Regional Meeting of the International Society of Family Law and the Midwest Family Law Consortium, held at University of Missouri Kansas City, June 3-5, 2010

“From the White House to Your House: Negotiating Work, Love, and Family,” Keynote Address, Annual Symposium, Boston University Women’s Guild, May 20, 2010

Moderator/commentator, Conference: “Reconstructing Masculinities,” Harvard Law School, sponsored by *Harvard Journal of Law and Gender*, March 26, 2010

“Toward a Feminist Social Ecology,” paper presented at Feminism and Legal Theory Workshop, “Vulnerability, Resilience, and the State,” Emory University School of Law, March 19-20, 2010

“Justice and Elegance for Hedgehogs – in Life, Law, and Literature,” paper presented in Harvard Law School Public Law Workshop, November 4, 2009

“Justice and Elegance for Hedgehogs – in Life, Law, and Literature,” paper presented in Law and Society Speaker Series, Suffolk University School of Law, November 3, 2009

Commentator, “Book Discussion: *Gender Equality*,” held at Boston University School of Law, October 27, 2009, (on *Gender Equality: Dimensions of Women’s Equal Citizenship* (co-editor, with Joanna L. Grossman), (Cambridge University Press, 2009)

“Justice and Elegance for Hedgehogs – in Life, Law, and Literature,” paper presented at conference, “Justice for Hedgehogs: A Conference on Ronald Dworkin’s Forthcoming Book”, held at Boston University School of Law, Sept. 25 & 26, 2009

- Panel organizer, chair, and commentator on panel, “Theorizing Dimensions of Women’s Equal Citizenship,” at 105<sup>th</sup> Annual Meeting, American Political Science Association, Toronto, Canada, Sept. 3-6, 2009
- Co-chair and speaker, Roundtable: Gender Equality: Dimensions of Women’s Equal Citizenship,” Annual Conference of Law & Society Association, May 2009, Denver, Colorado, (on *Gender Equality: Dimensions of Women’s Equal Citizenship* (co-editor, with Joanna L. Grossman) (Cambridge University Press, 2009)
- “Marriage, Households, and Social Cooperation,” paper presented at Symposium: “Towards a Jurisprudence of Marriage and Other Adult Intimate Relationships,” Boston College Law School, March 13, 2009 (co-sponsored with Brigham Young University, J. Reuben Clark Law School)
- “Marriage Pluralism,” paper presented at annual Discussion Group on Constitutionalism on topic, “Religion and Constitutionalism,” held at University of Maryland School of Law, February 27 & 28, 2009
- “The (State) Constitutionalization of Family Law (or, How Do State Constitutions Constitute Marriage and the Family?),” paper presented at conference, “The Family and the Constitution in Comparative Perspective,” held at University of Texas School of Law, February 20, 2009
- Panel moderator (and organizer), “Community and Subsidiarity in Domestic and International Relations,” Program by Section on Law and Communitarian Studies (co-sponsored by Law and Religion Section), at 2009 Annual Meeting of Association of American Law Schools, San Diego, California, January 9, 2009
- Commentator/moderator of panel, “Beyond Legislatures: Social Movements, Social Change, and the Possibilities of Demosprudence,” at conference, “The Most Dangerous Branch: The Role of Congress in the 21 Century,” held at Boston University School of Law, November 14 & 15, 2008
- “Feminist Law Reform as Social Engineering?,” paper presented at “Transcending the Boundaries of Law: Generations of Feminism and Legal Theory,” 25<sup>th</sup> anniversary conference of Feminism and Legal Theory Project, Emory University School of Law, November 6-8, 2008
- “Care, Work, and the Social Contract: What’s the New ‘New Deal’?,” paper presented at “The Social Contract Revisited: The Modern Welfare State, Workshop IV – Work, Employment, and Industrial Relations in the New Social Contract,” sponsored by the Foundation for Law Justice and Society and the Centre for Socio-Legal Studies, University of Oxford, Oxford, October 29-31, 2008
- “Defining Parenthood: Two Paradigms or a Continuum?,” presenter and co-moderator of working conference, “Who Is Called a Parent and Why?: What is Parenthood?,” University of Virginia, October 16-18, 2008

“On Civil and Religious Jurisdiction over Family Law and the Demands of Equal Citizenship,” paper presented in Faculty Workshop, University of Notre Dame School of Law, September 18, 2008

“The Role of Courts in Circumstances of Moral Disagreement (or, Liberal Toleration, Homosexuality, and Abortion, Redux),” paper presented at symposium: “Red State v. Blue State: The Judicial Role in an Era of Partisanship,” University of Missouri-Kansas City, September 12, 2008

“Gender and Social Cooperation: Theories of Sameness and Difference,” paper presented on panel, “Terms of Inclusion: Gender, Status Relations, and Constitutional Designs for Equality,” at 104<sup>th</sup> Annual Meeting, American Political Science Association, Boston, August 29, 2008

“Marriage Pluralism in the United States: Multiple Jurisdictions and the Demands of Equal Citizenship,” presented on panel at conference, “Untying the Knots: Theorizing Conflicts Between Gender Equality and Religious Laws,” Hadassah Brandeis Institute, Project on Gender, Culture, Religion, and the Law, April 15, 2008

“What’s So Hard about Sex Equality?: Men, Women, and Social Cooperation,” Reed College Public Policy Lecture Series – Democracy and Inequality, Reed College, Portland, April 10, 2008

Presenter, Panel on “The Moral (and Policy) Foundations of Family Law,” Section on Family and Juvenile Law, Association of American Law Schools Annual Meeting, New York, New York, January 4, 2008

“Marriage Pluralism in the United States,” presented in Conference on Multi-Tiered Marriage, St. Thomas University School of Law, November 15-16, 2007

Speaker on Program, “Marriage and Family: Law, Religion, and the Meaning of ‘I Do,’” Terrence J. Murphy Institute for Catholic Thought, Law, and Policy, University of St. Thomas, November 14, 2007

“Marriage Pluralism,” Feminism and Law Workshop, University of Toronto, November 2, 2007

Participant, Planning Conference, “What Is Parenthood?” Project, held at Princeton University, June 7-8, 2007 (sponsored by Institute for American Values)

Speaker, Community Luncheon Series, University of Chicago Divinity School, May 2, 2007

Speaker, Progressive Family Values Conference, held at Yale Law School, April 21, 2007, sponsored by American Constitution Society and Yale Women Faculty Forum

“Some Questions about Marriage Pluralism,” presentation for Conference, “Multi-Tiered Marriage,” Pepperdine University School of Law, February 22-24, 2007

Commentator on Lecture by Michael Perry, “Morality and Normativity,” for Natural Law Colloquium, Fordham University School of Law, February 20, 2007

- “Why Family is Foundational (if Not Exceptional),” presentation at Conference, “Up Against Family Law Exceptionalism,” Harvard Law School, Program on Law and Social Thought, February 2-3, 2007
- “Social Cooperation Between Women and Men: A Universal? On What Terms?,” presented at “An Uncomfortable Conversation: Sociobiology, Evolutionary Psychology, and Feminist Legal Theory,” Feminism and Legal Theory Project, held at Emory University School of Law, December 1-2, 2006
- Lead Organizer and Panel Moderator, Conference on “Dimensions of Women’s Equal Citizenship,” presented by the Institute for the Study of Gender, Law & Policy, at Hofstra University School of Law, November 3-4, 2006
- “Love, Marriage, and the Baby Carriage: Revisiting the Channeling Function of Family Law,” Gloria and Stanley Plesent Annual Lecture in Family Law, Cardozo Law School, delivered on October 19, 2006
- “Do Liberalism and the Family Go Together? – A Conversation,” with Daniel Cere and David Blankenhorn (about my book, *The Place of Families*), 11<sup>th</sup> Annual Symposium of the Institute for American Values on “Marriage and the Law,” September 14, 2006, the Association of the Bar of the City of New York
- “The Place of Families in Liberal Polities,” presentation on panel at 2006 Annual Meeting of the American Political Science Association, August 31-September 3, 2006, Philadelphia, PA
- “The Place of Families/The Place of Associations,” Ad Hoc Faculty Workshop, University of Pennsylvania Law School, April 11, 2006
- “Family Constitutions and the Constitution of the Family,” presented at conference, “A New Constitutional Order?,” Fordham University School of Law, March 24-25, 2006
- “The Place of Families: Further Considerations,” Faculty Workshop, Rutgers University-Camden, March 27, 2006
- Presentation, Maryland/Georgetown Discussion Group in Constitutional Law on “Liberalism at the Turn of the Century,” University of Maryland School of Law, March 3-4, 2006
- “Some ABCs of Feminist Sex Education,” presented at Symposium on Sexuality and the Law, sponsored by Columbia Journal of Gender & Law, Columbia University School of Law, February 24, 2006
- “Clintonism and the Legacy of ‘New Democrat’ Family Policy,” presented at Hofstra University’s 11<sup>th</sup> Presidential Conference, *William Jefferson Clinton: The “New Democrat” from Hope*, November 9-11, 2005

“‘God’s Created Order,’ Gender Complementarity, and the Federal Marriage Amendment,” presented at Symposium on the Federal Marriage Protection Amendment, J. Reuben Clark Law School, Brigham Young University, September 9, 2005

“Child, Family, (Religion), and State in Religious Stances on Human Rights Instruments,” presented at panel on “Family Life and Moral Values” at 12<sup>th</sup> World Conference, International Society of Family Law, Salt Lake City, July 19-23, 2005

“Author Meets Readers: The Place of Families,” 12<sup>th</sup> World Conference, International Society of Family Law, Salt Lake City, July 19-23, 2005 (panel on my book)

“Child, Family, and State in Religious Stances and Human Rights Instruments: A Preliminary Comparison,” presented at Feminism & Legal Theory Project workshop on “Competing Paradigms of Rights and Responsibility?: Children in the Discourses of Religion and International Human Rights,” Emory University School of Law, April 15-17, 2005

“Constitutionalism, Judicial Review, and Progressive Social Change,” presented with James E. Fleming at Maryland/Georgetown Discussion Group in Constitutional Law on “Juristocracy,” University of Maryland School of Law, March 4-5, 2005

“Should Family Law and Policy Move Beyond Marriage?,” presented in Pattee Lecture Series, February 28, 2005, University of Minnesota Law School

“A Liberal Feminist Approach to Associations,” presented in speaker series for New York Society for Women in Philosophy, November 5, 2004, CUNY Graduate Center

“Models of Sex Education: Women as Gatekeepers or Self-Governing Subjects?,” presented at Feminist Sexual Ethics Project Colloquium, October 10-11, 2004, Brandeis University

“Identity, Gender, and Community,” presented at DePaul Law Review Symposium, “Privacy and Identity,” March 13, 2004, DePaul University School of Law

“Negotiating/Resisting Gender and (Free and Equal) Citizenship: The Place of Associations,” presented at New York University Law Review Speaker Series, November 20, 2003

“Negotiating/Resisting Gender and (Free and Equal) Citizenship: The Place of Associations,” presented at conference, “Rawls and the Law,” November 7-8, 2003, Fordham University School of Law

“Struggles over Teaching Sexual and Reproductive Responsibility,” presented at 20<sup>th</sup> Summer Workshop, Feminism and Legal Theory Project, June 26-28, 2003, University of Wisconsin-Madison

Presenter, Feminist Sexual Ethics Project Colloquium, May 21, 2003, Brandeis University

Lead organizer and panelist at interdisciplinary conference, “Marriage, Democracy, and Families,” March 14-15, 2003, Hofstra University School of Law

- Presenter on two panels: “Inside the Black Box: Sources of Civil Society,” and “Gender Equality and Public Policy,” Annual Meeting of the Association for the Study of Law, Culture & the Humanities, March 7-8, 2003, Benjamin N. Cardozo Law School and New York University School of Law
- “Conservative versus Feminist Sexual Economies: Beyond Abstinence?,” presented at Feminist Legal Theory Workshop, “Uncomfortable Conversation” on “Sexuality and Feminist Theory,” November 15-16, 2002, Cornell Law School (also co-organizer)
- “Marriage and Social Health: Marriage Promotion, Marriage (E)quality, and Welfare Reform,” Colloquium in Law, Philosophy, and Political Theory, October 10, 2002, New York University School of Law
- “Families and Self-Government,” presented at Faculty Workshop, September 12, 2002, Brooklyn Law School
- “Megachurches as Minitowns: Relocating Civic Space?,” presented at PEGS Roundtable on Modern Democracy and the New Property, Annual Meeting of the American Political Science Association, August 29-September 1, 2002
- “Marriage (E)quality, Marriage Promotion, and Welfare Reform (Or, ‘No One Wants to Turn Back the Clock, but...’),” presented in Urban Dialogues 2002 Series, June 18, 2002, Audrey Cohen College
- “Some Thoughts On Marriage (E)quality and Promoting a ‘Marriage Culture,’” presented at Harvard Women’s Law Journal 25<sup>th</sup> anniversary conference, March 9, 2002, Harvard Law School
- “Some Thoughts On Marriage (E)quality and Promoting a ‘Marriage Culture,’” presented at Annual Meeting of the Association for the Study of Law, Culture & the Humanities, March 8, 2002, University of Pennsylvania Law School
- “Unleashing or Harnessing ‘Armies of Compassion’?: Some Questions about the Place of Faith-Based Organizations in Building the ‘Civic Capital Economy,’” presented at Faculty Workshop, February 22, 2002, Florida State University School of Law
- “Mobilizing ‘Armies of Compassion,’” presented at Georgetown/PEGs Discussion Group on Constitutional Law, November 30-December 1, 2001
- Visiting Scholar, State University of New York at Buffalo, Baldy Center for Law & Social Policy, October 1-5, 2001 (taught mini-course)
- “Unleashing ‘Armies of Compassion’: The Role of the Nonprofit Sector in Strengthening Families,” presented at Workshop on Feminism, Corporations & Capitalism, April 20-21, 2001, State University of New York at Buffalo School of Law



- “The Domain of Civic Virtue in a Good Society,” presented in Faculty Workshop, April 12, 2001, Rutgers Law School (Newark)
- Panelist in program on “Vantage Points on Coercing Privacy,” Section on Defamation and Privacy, AALS Annual Meeting, January 4, 2001, San Francisco
- “The Domain of Civic Virtue in a Good Society,” presented in Faculty Workshop, October 17, 2000, New York Law School
- “The Domain of Civic Virtue in a Good Society,” presented at conference, “The Constitution and the Good Society,” Sept. 22-23, 2000, Fordham University School of Law
- Co-editor, Symposium on “Legal and Constitutional Implications of the Calls to Revive Civil Society,” published in *75 Chicago-Kent Law Review* 289 (2000)
- Panelist in workshop on “Corporations and Capitalism,” Feminist Legal Theory Workshop, June 2-3, 2000, Cornell Law School
- Chair and presenter in panel on “Civic Property: Constructing the Political Economy of Citizenship,” Working Group on Law, Culture & the Humanities, March 10-12, 2000, Georgetown University Law Center
- “Toward a Formative Project of Securing Freedom and Equality,” presented at Faculty Workshop, January 20, 2000, Boston University School of Law
- “Care as a Public Value: Foundations for Public Responsibility,” presented at Feminist Legal Theory Workshop, “Uncomfortable Conversation” on “Children: Public Good or Individual Responsibility?,” November 19-20, 1999, Cornell Law School
- “Toward a Formative Project of Securing Freedom and Equality,” presented at *Cornell Law Review* Symposium, October 22-23, 1999, Cornell Law School
- “Some Thoughts About Facts, Sex/Gender Equality, and Constitutional Theory,” presented at Feminism and Legal Theory Summer Workshop, “Discrimination and Inequality,” June 17-19, 1999, Cornell Law School
- “Some Questions for Civil Society-Revivalists,” presented at Faculty Workshop Series, April 15, 1999, Fordham University School of Law
- Organizer, “From Gladiators to Problem Solvers: Shaping Lawyers’ Roles to Meet the Needs of the 21st Century,” March 3, 1999, Association of the Bar of the City of New York
- “Some Questions for Civil Society-Revivalists,” presented at Communitarian Summit 1999, sponsored by the Communitarian Network and the Association for Practical and Professional Ethics, February 27-28, 1999, Crystal City, Virginia

- “Some Thoughts About Facts, Sex/Gender Equality, and Constitutional Theory,” presented at Discussion Group on Constitutional Law, December 5-6, 1998, Georgetown University Law Center
- “Reconstructing the Roots of Liberal Privacy,” presented at Conference on “Reconstructing Liberalism,” April 3-4, 1998, William & Mary School of Law
- “Constructions of Female Agency in Romance, Sociobiology, and Feminist Legal Theory,” presented at Working Group on Law, Culture & the Humanities, March 27-29, 1998, Georgetown University Law Center
- “Some Questions for Civil Society-Revivalists,” presented at Biennial Discussion Group on Constitutional Law, December 6-7, 1997, Georgetown University Law Center
- “Legal Transcendentalism, Overlapping Consensus, and Same-Sex Marriage,” presented at “The Relevance of Religion to a Lawyer's Work: An Interfaith Conference,” June 1-3, 1997, Fordham University School of Law
- “Autonomy, Toleration, and Governmental ‘Moralizing’: A Liberal Feminist Account,” presented at the Feminist Legal Theory Workshop, May 2, 1996, University of Chicago Law School
- “What Lies Beyond ‘Empty’ Toleration?,” presented at Biennial Discussion Group on Constitutional Law, December 9-10, 1995, Georgetown University Law Center
- “‘Irresponsible’ Reproduction,” presented at Feminism and Legal Theory Summer Workshop, “Women, Children, and Poverty,” June 6-10, 1995, Columbia University School of Law
- “Constructions of Masculine/Feminine in Romance, Sociobiology, and Legal Theory,” presented at Law and Society Annual Meeting, June 4, 1995, Toronto, Canada
- “Agency, Irresponsibility, and Sexuality,” presented at Feminism and Legal Theory Summer Conference, “Direction and Distortion: The Centrality of Sexuality in the Shaping of Feminist Legal Theory,” June 6-8, 1994, Columbia University School of Law
- “Inviolability and Privacy: The Castle, The Temple, and The Body,” presented at conference on “The Sacred Body in Law and Literature,” April 2, 1994, sponsored by the *Yale Journal of Law & the Humanities*
- “Rights and Irresponsibility,” presented at University of Virginia School of Law Legal Studies Workshop, December 3, 1993
- “Rights and Irresponsibility,” delivered as 1993-94 *Duke Law Journal* Lecture, November 4, 1993, Duke University School of Law
- “Equality, Oppression, and Abortion,” presented at Feminism and Legal Theory Workshop, “Revisiting Equality,” April 2-3, 1993, Columbia University School of Law

“Explicating Circumstances: Romance and Representation,” presented at Feminism and Legal Theory Summer Conference, “Women and Representation,” June 7-12, 1992, Columbia University School of Law

“The Poverty of Privacy?,” presented at Feminism and Legal Theory Workshop, “Reproductive Issues in a Post-Roe World,” November 15-16, 1991, Columbia University School of Law

## BAR ADMISSIONS

New York (1986)

Southern District of New York (1987)

## PROFESSIONAL AFFILIATIONS

Anonymous peer reviewer for Cambridge University Press, Harvard University Press, Oxford University Press, University of Chicago Press, University Press of Kansas, and Journal of Law and Religion

Co-editor, annual book review issue of the *Tulsa Law Review*, Vol. 49-51, 2013-2016

American Law Institute (elected to membership 2016)

Children and the Law Restatement (advisory group)

Association of American Law Schools

Women in Legal Education, Executive Committee, 2019-

Planning Committee for 2015 Midyear Workshop: Shifting Foundations in Family Law, 2014-2015

Executive Committee, Section on Family and Juvenile Law, 2009-

Chair, Section on Family and Juvenile Law, 2013-2014

Chair-Elect, Section on Family and Juvenile Law, 2012-2013

Secretary-Treasurer, Section on Family and Juvenile Law, 2011-2012

Chair, AALS Section on Law and Communitarian Studies, 2007-2008

American Bar Association

American Political Science Association

American Society for Political and Legal Philosophy

Boston Bar Association

Council on Contemporary Families

Advisory Board, Feminist Sexual Ethics Project (Ford Foundation Project, Dr. Bernadette Broten, Principal Investigator), 2000-2010

Editorial Board, *Perspectives*, publication of Commission on Women in the Profession, American Bar Association, 2001-02

Association of the Bar of the City of New York, Committee on Women in the Profession, 1996-99