

# Paul Gowder

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## Academic Positions

- 09/12- **Professor and O.K. Patton Fellow in Law**, University of Iowa.  
Present
  - Associate Professor of Law (pre-tenure): 2012-2017.
  - Professor of Law (tenured): 2017-.
  - Professor of Law and O.K. Patton Fellow in Law 7/2019-.
  - Courtesy appointments in Political Science (2012-), Philosophy (2016-)

Fall 2019 **Visiting Professor of Law**, Boston University.

## Education

- 2012 **Ph.D., Political Science**, Stanford University.  
2000 **J.D.**, Harvard Law School.  
1997 **B.A., Political Science**, California State University, Los Angeles.

## Publications

### Books

- 2016 **The Rule of Law in the Real World**, Cambridge University Press.  
Translated into Ukrainian (2019)

### Peer-Reviewed/Edited Articles

- 2018 **Transformative Legal Technology and the Rule of Law**, University of Toronto Law Journal.  
68(S1):82-105.
- 2015 **What the Laws Demand of Socrates—and of Us**, The Monist.  
98(4):360-374.
- 2014 **Institutional Corruption and the Rule of Law**, Les Ateliers de l’Ethique/The Ethics Forum.  
9(1):84-102.
- 2014 **Institutional Values, or How to Say What Democracy Is**, Southwest Philosophy Review.  
30(1):235-242.
- 2014 **Market Unfreedom**, Critical Review.  
26(3-4):306-347. (peer-edited, invited contribution, not blind reviewed)

- 2013 **Death and Taxes in NFIB v. Sebelius**, Public Affairs Quarterly.  
27(3):243-266.
- 2013 **The Rule of Law and Equality**, Law & Philosophy.  
32(5):565-618.
- 2006 **Secrecy as Mystification of Power: Meaning and Ethics in the Security State**, I/S: A Journal of Law and Policy for the Information Society.  
2(1):1-26. (supported by the Century Foundation; reprinted in Maret and Goldman, eds., Understanding Government Secrecy: Classic and Contemporary Readings)

### Law Review (Student-Edited) Articles

- 2019 **Reconstituting We the People: Frederick Douglass and Jurgen Habermas in Conversation**, Northwestern University Law Review.  
114(2):335-413.
- 2018 **Resisting the Rule of Men**, Saint Louis University Law Journal.  
62(2):333-359.
- 2016 **Democratic Paternalism, not Libertarian Paternalism**, Georgetown Journal of Law and Public Policy.  
14:747-787.
- 2016 **Transnational Litigation as a Prisoner's Dilemma**, North Carolina Law Review.  
94(3):751-816. (co-author with Maya Steinitz)
- 2015 **Critical Race Science and Critical Race Philosophy of Science**, Fordham Law Review.  
83(6):3155-3177. (invited contribution)
- 2015 **The Rule of Law Against Sovereign Immunity in a Democratic State**, Texas Law Review See Also.  
93:247-262. (online law review commentary)
- 2014 **Democracy, Solidarity and the Rule of Law: Lessons from Athens**, Buffalo Law Review.  
62(1):1-67.
- 2014 **Equal Law in an Unequal World**, Iowa Law Review.  
99:1021-1081.
- 2014 **Racial Classification and Ascriptive Injury**, Washington University Law Review.  
92(2):325-396.
- 2014 **The Countermajoritarian Complaint**, Transnational Law and Contemporary Problems.  
23:7-33. (invited contribution)

- 2006 **Quasi-Public Executives**, Yale Law Journal.  
115(9):2254-2278. (co-author with K.A.D. Camara)
- 1998 **Remote Purchasing and Fundamental Fairness: The Sales and Use Tax Equalization Act**, Harvard Journal on Legislation.  
35:537-559. (major contributor within Harvard Legislative Research Bureau)

### Book Chapters

- 2015 **Trust and Commitment: How Athens Rebuilt the Rule of Law**, in Theorizing Transitional Justice.  
Corradetti, Eiskovits, and Rotondi, ed., Ashgate, pp. 225-236.
- 2014 **The Health Insurance Mandate Really is a Tax, and That's a Good Thing Too**, in The Affordable Care Act Decision: Philosophical and Legal Implications.  
Allhoff and Hall, ed., Routledge, pp. 103-116.

### Forthcoming (all categories)

Is Legal Cognition Computational? (When Will DeepVehicle Replace Judge Hercules?), forthcoming in Computational Legal Studies: The Promise and Challenge of Data-Driven Legal Research, edited by Ryan Whalen, Elgar (2019).

Philosophical Approaches to Constitutional Law Methods, forthcoming in Constitutional Law Methodology volume (title pending), edited by David Law and Malcolm Langford, Elgar (2019).

### Miscellany

- 2018 Institutions and Instrumentalization in International Law (Review of Fox-Decent and Criddle, Fiduciaries of Humanity), Tulsa Law Review Book Review Issue.
- 2016 The Rule of Law, entry in Oxford Bibliographies in Political Science.
- 2014 Procedural Due Process: the Missing Casebook Chapter, open access casebook chapter, released on SSRN.
- 2014 The Rule of Law, entry in Sage Encyclopedia of Criminal Justice Ethics.
- 2013 The Serious Point, a micro-contribution to the Green Bag/Journal of Law micro-symposium on Orin Kerr's "Theory of Law".
- 2009 "Shopping Malls and the First Amendment," "Masson v. New Yorker Magazine," and "Pruneyard Shopping Center v. Robins", entries in Schultz, ed., Encyclopedia of the United States Constitution (Facts on File).
- 2008 "Noerr-Pennington Doctrine," "Pruneyard Shopping Center v. Robins," and "Amalgamated Food Employees Union Local 590 v. Logan Valley Plaza, Inc", entries in Hudson, Schultz and Vile, eds., Encyclopedia of the First Amendment, (Congressional Quarterly Press).

- 1999 Book Note: Data Smog/The Transparent Society, 12 Harvard Journal of Law and Technology 513 (student book note).
- 1999 Book Note: Losing the Vote, the Impact of Prisoner Disenfranchisement, 12 Harvard Human Rights Journal 399 (student book note).
- 1999 Recent Developments: Antitrust, 27 Journal of Law, Medicine, and Ethics 278 (student comment).

## Grants, Awards, Honors

- 2020-1 Knight Foundation, grant funding (\$100,000) to support research that applies principles from constitutional law and institutional political science to the challenges of platform governance.
- 2014-5 Institute for Advanced Study, Princeton, NJ: Member (School of Social Science).
- 2014-5 Law and Public Affairs Program, Princeton University (LAPA/Perkins Fellow, offered but declined).
- 2014-5 Edmond J. Safra Center for Ethics, Harvard University: Network Fellow.
- 2014 Montreal Political Theory Manuscript Award, Groupe de recherche interuniversitaire en philosophie politique de Montreal (for The Rule of Law in the Real World).
- 2011-2 Geballe Dissertation Prize Fellowship, Stanford University.
- 2008-11 Gerhard Casper Stanford Graduate Fellowship.
- 2008-9 Philanthropy and Civil Society Fellowship, Stanford University.
- 1998 Williston Contracts Competition (first place), Harvard Law School.

## Presentations

### Invited Talks

- 2019 Dignity and the Rule of Law Against Self-Abnegation and Racial Inequality, Brigham Young University Center for Law and Religion: Human Dignity from Judges' Perspectives.
- 2019 The Owl of Minerva is All Fun and Games Until She Swoops Down and Takes Out an Eye: Limited Epistemic Horizons, Inequality, Polarization, and the Rule of Law, Loyola University Chicago School of Law Institute for Investor Protection: Investors and the Rule of Law.
- 2018 Is Legal Cognition Computational?, Hong Kong University, Workshop on the Emergence of Computational Legal Studies.
- 2017 Ethics of Augmentation, University of Toronto, Centre for Ethics.

- 2017 Normative and Empirical Constitutionalism, Research Methods in Constitutional Law Conference, University of Oslo.
- 2017 Popular Sovereignty with Weak Causality, McGill University, Legal Theory Workshop.
- 2017 Two Models of Technological Change in Law, University of Toronto, Centre for Innovation Law and Policy.
- 2016 The Rule of Law in the Real World (practitioner-oriented book presentation), American Bar Association, Rule of Law Initiative.
- 2015 Democratic Paternalism, not Libertarian Paternalism, Georgetown University McDonough School of Business, Symposium on Nudging.
- 2015 Democratic Rule of Law Reform, Circa 403 B.C.E., Stanford University, Freeman Spogli Institute for International Studies and Stanford Law School.
- 2015 General Will, Causality, Equality, Georgetown University, McDonough School of Business.
- 2015 Thinking Aloud About Vulnerability and Policy, American Association of Law Schools Midyear Meeting, Workshop on Next Generation Issues on Sex, Gender and the Law (plenary session).
- 2015 What the Laws Demand of Socrates—and of Us, Stanford University, Political Theory Workshop.
- 2014 Critical Race Science Studies?, Fordham Law Review symposium on critical race theory and empirical methods.
- 2014 Racial Classification and Ascriptive Injury, Loyola University Chicago School of Law faculty workshop.
- 2014 Underprotection, Domination, and Group-Subordinating Violence, Cardozo Law School Conference on Republicanism and Criminal Law.
- 2014 What the Laws Demand of Socrates—and of Us, Princeton University, Law and Public Affairs seminar.
- 2014 What the Laws Demand of Socrates—and of Us, Loyola University New Orleans School of Law faculty workshop.
- 2013 How Demanding is Occupational Liberty?, Annual Meeting of the American Philosophical Association, Pacific Division (invited commentary on Tomasi, Free Market Fairness).

### Conference Presentations

- 2019 Reconstituting We the People: Frederick Douglass and Jurgen Habermas in Conversation, National Conference of Constitutional Law Scholars, Arizona State University.

- 2019 Reconstituting We the People: Frederick Douglass and Jurgen Habermas in Conversation, National People of Color Legal Scholarship Conference, American University.
- 2017 Author/Respondent for Author Meets Critics session on The Rule of Law in the Real World, Annual Meeting of the American Philosophical Association, Central Division.
- 2017 Beyond the Arab Spring: Digital Collective Action and the Rule of Law, Loyola Constitutional Law Colloquium.
- 2016 Scalia, Equality, Rule of Law, Southeast Association of Law Schools Annual Meeting.
- 2016 The Rule of Law in the Real World, Loyola Constitutional Law Colloquium.
- 2015 Heaven Save Us From Legal Heroes, American Association of Law Schools Annual Meeting, Law and Humanities Section.
- 2015 What the Laws Demand of Socrates—and of Us, American Society for Legal History.
- 2014 A Respect-Centered Sex Discrimination Jurisprudence, Southeast Association of Law Schools Annual Meeting.
- 2014 An Islamic Rule of Law, Mid-Atlantic People of Color Legal Scholarship Conference.
- 2014 Racial Classification and Ascriptive Injury, Midwest People of Color Legal Scholarship Conference.
- 2014 Racial Classification and Ascriptive Injury, Mid-Atlantic Law and Society Association Annual Meeting.
- 2014 Racial Classification and Ascriptive Injury, John Mercer Langston Conference.
- 2014 The Rule of Law in the Real World (two book MS chapters), Culp Colloquium at Duke Law School.
- 2013 Equal Law in an Unequal World, Mid-Atlantic People of Color Legal Scholarship Conference.
- 2013 Equal Law in an Unequal World, Arizona State University Legal Scholars Workshop.
- 2013 Equal Law in an Unequal World, Sharing Scholarship, Building Teachers Development Workshop at Albany Law School.
- 2013 Equal Law in an Unequal World, Southeast/Southwest People of Color Legal Scholarship Conference.
- 2013 Institutional Values, or How to Say What Democracy Is, Southwestern Philosophical Society.
- 2013 The Countermajoritarian Complaint, American Political Science Association.
- 2013 The People's Will and the People's Laws, Association for Political Theory.

- 2013 The People's Will and the People's Laws, American Political Science Association.
- 2013 The People's Will and the People's Laws, Annual Meeting of the Law and Society Association.
- 2013 The People's Will and the People's Laws, Loyola Constitutional Law Colloquium.
- 2013 The People's Will and the People's Laws, Midwest People of Color Legal Scholarship Conference.
- 2013 The Rule of Law Will Not Set You Free, Midwest Law and Economics Association.
- 2012 Death and Taxes in NFIB v. Sebelius, Medical Humanities Conference, Western Michigan University.
- 2012 Democracy, Solidarity, and the Rule of Law: Lessons from Athens, Big Ten Conference for Untenured Scholars, Indiana University Maurer School of Law.
- 2012 Equal Law in an Unequal World, Washington University Regional Junior Faculty Workshop.
- 2012 Equal Law in an Unequal World, Classcrits V, University of Wisconsin, Madison.
- 2012 The Countermajoritarian Complaint, Loyola Constitutional Law Colloquium.
- 2012 Violence and Inequality: The Liberal Critique of Domination, Western Political Science Association.
- 2010 Para-Ideal Theory and the Strategic Justification of Democracy, Democracy as Idea and Practice Conference, University of Oslo.
- 2010 Para-Ideal Theory and the Strategic Justification of Democracy, Canadian Political Science Association.
- 2010 When does the Rule of Law Persist? A Strategic Model of Institutional Endurance, Midwest Law and Economics Association.
- 2009 Don't be Afraid, the Clown's Afraid Too: Deliberation, Participation, Tolerance and Fear, Association for Political Theory.
- 2009 Making Space for Rosa Parks: Democratic Authorship as Political Autonomy, Public Reason Political Philosophy Podcast Symposium.
- 2009 Strategic Morality and Para-Ideal Theory, Graduate Conference in Political Philosophy, University of Pavia.

### Campus Talks

- 2015 Corruption and the Transnational Litigation Prisoner's Dilemma (Co-Author with Maya Steinitz), Iowa Legal Studies Workshop.
- 2015 General Will, Causality, Equality, Institute for Advanced Study, School of Social Science.

- 2015 The Logic of Coordination/The Logic of Commitment (book MS chapters), Institute for Advanced Study, School of Social Science—Egalitarianism Workshop.
- 2014 Racial Classification and Ascriptive Injury, Iowa Legal Studies Workshop.
- 2012 Equal Law in an Unequal World, Iowa Legal Studies Workshop.
- 2012 The Countermajoritarian Complaint, University of Iowa Food for Thought Speaker Series.
- 2012 The Countermajoritarian Complaint, Annual Meeting of the American Society for Comparative Law (hosted at Iowa).
- 2010 The Oligarch, the Miser, and the Capitalist: Plato, Kant, and Marx on the Psychology and Politics of the Money-Hungry, Stanford Ethics and Politics, Ancient and Modern Workshop.

## Legal Practice

- 2004-6 **Victor M. Glasberg and Associates**, Associate Attorney, Alexandria, VA.
  - Civil rights litigation in small private public interest firm with caseload including employment discrimination, police misconduct, First Amendment, due process and similar subject areas.
- 2001-3 **Oregon Law Center**, Staff Attorney, Ontario, OR.
  - Low-income legal services representation with caseload primarily centered on employment (especially farmworker), housing, and public benefits litigation.
- 1999 **ACLU of the National Capital Area**, Summer Law Clerk, Washington, D.C..

## Consulting

- 2018-2019 **Facebook, Inc.**, Contract Researcher/Consultant, Menlo Park, CA.
  - Consulting relating to questions surrounding elections and democratic integrity as well as content moderation oversight board. Full-time for two months in summer 2018, and then continuing on part-time basis thereafter. Formal relationship as contractor via Pro Unlimited, Inc.
- 07/2016 **JSTOR Labs**, Subject matter expert, Ann Arbor, CA.
  - Participate as outside expert on a voluntary basis in weeklong design sprint relating to potential expansion of scholarly archiving and discovery products.

## Teaching

### Lead Instructor

- 2019- Introduction to Quantitative and Computational Legal Reasoning, University of Iowa.
- 2019 Advanced Constitutional Law: The Fourteenth Amendment, Boston University.
- 2019 Critical Race Theory, Boston University.



- 2016-8 Constitutional Law I, University of Iowa.
- 2016- Torts, University of Iowa.
- 2015-6 Policy Lab, University of Iowa.
- 2013-4 Professional Responsibility, University of Iowa.
- 2012- Constitutional Law II, University of Iowa.
- 2010-2 Topics in Political Science, Stanford University, Educational Program for Gifted Youth (Stanford campus, plus Singapore Honors Academy in 2011).

### Teaching Assistant

- 2008 Corruption Research Seminar, Stanford University.  
(teaching assistant for Lawrence Lessig).
- 2008 Introduction to Global Justice, Stanford University.  
(teaching assistant for Helena de Bres and Avia Pasternak).
- 2008 Philosophical Issues Concerning Race and Racism, Stanford University.  
(teaching assistant for Debra Satz).
- 2007 Introduction to Political Philosophy, Stanford University.  
(teaching assistant for Nadeem Hussein).

## Service

### University Service

- 2019-20 Member, Faculty Appointments Committee, University of Iowa, College of Law.
- 2019 Member, Curricular and Community Enhancement Committee, University of Iowa, College of Law.
- 2018-20 Member, Tenure Committee (for one junior colleague), University of Iowa, College of Law.
- 2017-9 Service on two Ph.D. committees and one M.A. committee, University of Iowa, Department of Philosophy.
- 2017-9 Member, J.D. Admissions Committee, University of Iowa, College of Law.
- 2017-9 Member, Faculty Judicial Commission, University of Iowa, .
- 2017-9 Chair, S.J.D. Admissions Committee, University of Iowa, College of Law.
- 2017- Advisory Board Member, University of Iowa, Obermann Center for Advanced Studies.
- 2017 Public/Student Presentation, "The Unfamiliar Threats to Free Speech", University of Iowa, Student Government/Lecture Committee.
- 2016-7 Member, Honors and Awards Committee, University of Iowa, College of Law.

- 2016-7 Member, Diversity Committee, University of Iowa, College of Law.
- 2016- Faculty Advisor, American Constitution Society Student Chapter, University of Iowa, College of Law.
- 2016- Faculty Adviser, Black Law Students Association, University of Iowa, College of Law.
- 2015-9 Service on one S.J.D. committee, and (2016-) adviser to another, University of Iowa, College of Law.
- 2015-6 Chair, Speakers Committee, University of Iowa, College of Law.
- 2014, 6 Faculty Advisor, AAI Moot Court Problem Creation, University of Iowa, College of Law.
- 2012-8 Judge, AAI Moot Court, University of Iowa, College of Law.
- 2012-4 Member, Speakers Committee, University of Iowa, College of Law.
- 2010-11 Graduate Admissions Committee, Stanford University, Department of Political Science.
- 2008 Chair, Ad Hoc Graduate Incentives Committee, Political Science Graduate Students Association, Stanford University, Department of Political Science.
- 2008 Graduate Organizer (interim), Global Justice Workshop, Stanford University, Department of Political Science.
- 2008 Graduate Organizer, Political Theory Workshop, Stanford University, Department of Political Science.
- 2007-8 Social Chair, Political Science Graduate Students Association, Stanford University, Department of Political Science.
- 1999-2000 Public Relations Chair, Harvard Law School, Student Public Interest Network.

### Disciplinary Service: peer reviewing (various years)

<ul style="list-style-type: none"> <li>American J. of Pol. Sci.</li> <li>British J. of Pol. Sci.</li> <li>Columbia Univ. Press</li> <li>European J. of Pol. Theory</li> <li>J. of Legal Analysis</li> <li>J. of Politics</li> <li>Law &amp; Soc. Inquiry</li> <li>Northwestern Univ. Law Rev.</li> <li>Routledge</li> <li>South Carolina Law Rev.</li> </ul>	<ul style="list-style-type: none"> <li>American Pol. Sci. Rev.</li> <li>Cambridge Univ. Press</li> <li>Crit. Rev. of Int'l Soc. &amp; Pol. Phil.</li> <li>Int'l J. of Law &amp; Econ.</li> <li>J. of Pol. Phil.</li> <li>Law &amp; Policy</li> <li>McGill Univ. Press</li> <li>Oxford Univ. Press</li> <li>Social Theory &amp; Practice</li> </ul>
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## Community Service and Outreach

- 2016-9 Member, Iowa City Telecommunications Commission.
- 2016 Panelist: 'Family Law', Iowa LGBT Rural Summit (USDA/National Center for Lesbian Rights/Drake Law School).
- 2016 Presentation, 'Loving v. Virginia,' African-American Museum of Iowa/Cedar Rapids Public Library.
- 2015, 6 Guest blogger, Prawfsblawg.
- 2015 Presentation, 'The Leadership Rationale,' The Past, Present, & Future of Diversity and Inclusion Within the Central Iowa Legal Community.
- 2014 Editorial, "Court Moves Toward Death for Contraceptive Coverage": Des Moines Register,.
- 2014 Panelist, Ethical Perspectives on the News: KCRG TV (discussing religion and public life, Hobby Lobby, etc.).
- 2014 Presentation, Voting Rights in the United States: Iowa Interfaith Alliance, Intersections speaker series.
- 2013 Guest blogger, Concurring Opinions.
- 2012 Editorial: "Independent Judiciary": Cedar Rapids Gazette (with Nicholas Johnson).
- 2010 Presentation: The Law and Ethics of Farm Worker Internships, Cultivating Food Justice Conference.
- 2005 Editorial: "A Naked Assault on the Public and Courts": Oregon State Bar Journal.
- 2001-3 Executive Board Member, Oregon Rural Action.

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## Miscellany

### Ph.D.

Dissertation An Egalitarian Theory of the Rule of Law.

Fields Major: Political Theory; Political Institutions. Minor: American Politics.

### Languages

Human English (native). Attic Greek (rudimentary reading, rusty).

Computer Python (intermediate). R (intermediate, rusty). Clojure (intermediate). Swift (beginner). Javascript (rudimentary).

### Bar Admissions

Louisiana. Massachusetts. Oregon. Virginia.

### Less Formal Education

- 2017 Recurse Center (summer 2 half-batch).  
2013 University College Cork, Attic Greek Summer Immersion.

### Notes

Market Unfreedom was reviewed only by (specialist) editor, not external referees.

'The Rule of Law Against Sovereign Immunity...' was published in an online supplement.

Bar Admissions are not currently in active/authorized to practice status.

'Secrecy as Mystification of Power' was supported by the Century Foundation and was reprinted in Maret and Goldman, eds., *Understanding Government Secrecy: Classic and Contemporary Readings* (Greenwood Press/Libraries Unlimited, 2009).

'The Health Insurance Mandate Really is a Tax...' is an only slightly changed adaptation of 'Death and Taxes...'

Research Assistant to Lawrence Lessig (2006-8, 1999), and to Richard Sobel (1998).