

Miguel Schor
Professor of Law
Drake University School of Law
Des Moines, IA 50311

EMPLOYMENT

DRAKE UNIVERSITY SCHOOL OF LAW
Professor of Law, 2012-present.

DRAKE UNIVERSITY SCHOOL OF LAW
Visiting Professor, 2010 – 2012.
Visiting Director of the Constitutional Law Center, 2010 – 11.

SUFFOLK UNIVERSITY LAW SCHOOL
Professor, 2009 – 2012. Tenure granted 2008.
Associate Professor, 2005 – 2008. Assistant Professor, 2002 – 2005.

COURSES

Constitutional Law I, Constitutional Law II, First Amendment, Comparative Constitutional Law, and Constitutional Theory.

EDUCATION

TULANE UNIVERSITY
Masters Latin American Studies, May 2005.

TULANE LAW SCHOOL
Juris Doctor: May 1988, civil law curriculum
Rank: 6/207
Honors: Tulane Law Review, Magna Cum Laude, and Order of the Coif

TULANE UNIVERSITY
Bachelor of Arts: May 1985
Major: Philosophy
Honors: Phi Beta Kappa

THE SORBONNE
Studied Philosophy Paris, France
Fall 1984 – Spring 1985

SCHOLARSHIP

- American Constitutional Exceptionalism, Constitutional Identity, and American Democracy*, in DECIPHERING THE GENOME OF CONSTITUTIONALISM: ESSAYS ON CONSTITUTIONAL IDENTITY IN HONOR OF GARY JACOBSON (Ran Hirschl and Yaniv Roznai, eds., Cambridge University Press, forthcoming 2024).
- A Progressive Constitution for the United States*, DEMOCRACY: A JOURNAL OF IDEAS (multi-authored) (2022).
- Trumpism and the Continuing Challenges to Three Political-Constitutionalist Orthodoxies*, 7 CONSTITUTIONAL STUDIES 93 (2021).
- Democracy and Scholarly Fashions*, 68 DRAKE L. REV. 359 (2020).
- COMPARATIVE CONSTITUTIONAL THEORY (Gary Jacobson & Miguel Schor eds., Edward Elgar Press 2018).
- Introduction: The Comparative Turn in Constitutional Theory*, in COMPARATIVE CONSTITUTIONAL THEORY (2018) (co-authored with Professor Gary Jacobson).
- Constitutional Dialogue and Judicial Supremacy*, in COMPARATIVE CONSTITUTIONAL THEORY (2018) (available on SSRN). Translated into Romanian for “The Romanian Judges’ Forum Review.”
- The Once and Future Democracy: Argentina at the Bar of Constitutionalism*, in THE SOCIAL AND POLITICAL FOUNDATIONS OF CONSTITUTIONS (Denis Galligan and Mila Versteeg eds., Cambridge University Press 2013).
- Contextualizing the Debate Between Originalism and the Living Constitution*, 59 DRAKE L. REV. 961 (2011).
- The Strange Cases of Marbury and Lochner in the Constitutional Imagination*, 87 TEX. L. REV. 1463 (2009).
- An Essay on the Emergence of Constitutional Courts: The Cases of Mexico and Colombia*, 16 IND. J. GLOBAL LEGAL STUD. 173 (2009). Translated into Spanish and reprinted in *Revista de Economía Institucional*, Vol. 13 (2011) of the Faculty of Economics of the Universidad Externado de Colombia.
- Judicial Review and American Constitutional Exceptionalism*, 46 OSGOOD HALL L.J. 535 (2008) (peer reviewed).
- Mapping Comparative Judicial Review*, 7 WASH. U. GLOBAL STUD. L. REV. 257 (2008). Translated into Portuguese and reprinted in a reader entitled “Contemporary Constitutional Readings” by the law faculty of FGV Direito Rio, Rio de Janeiro, Brazil.
- The Rule of Law*, in 3 ENCYCLOPEDIA OF LAW AND SOCIETY: AMERICAN AND GLOBAL PERSPECTIVES 1329 (David Clark ed., 2007).
- Squaring the Circle: Democratizing Judicial Review and the Counter-Constitutional Difficulty*, 16 MINN. J. INT’L L. 61 (2007).
- Constitutionalism Through the Looking Glass of Latin America*, 41 TEX. INT’L L. J. 1 (2006).
- Constitucionalismo en América Latina: Consolidando el Estado de derecho*, 15 MÉTAPOLÍTICA 80 (2000).

WORKS IN PROGRESS

- Introduction*, in *COMPARATIVE CONSTITUTIONAL THEORY 2D ED.* (Gary Jacobson and Miguel Schor, eds., Edward Elgar Press forthcoming 2024).
- American Constitutional Exceptionalism and Democratic Erosion*, in *Comparative Constitutional Theory* (Gary Jacobson and Miguel Schor, eds., forthcoming 2024).
- Rebooting Progressive Era Criticisms of the Constitution for America's Twenty-First Challenges* (forthcoming 2025)
- From the Least Dangerous Branch of Government to the Most Democratically Disruptive Court in the World*
- Populism and the Long Shadow of the F.D.R. Presidency*
- The Constitution Reader: How our Eighteenth-Century Document is Faring in a Twenty-First Century World* (forthcoming 2026)

BOOK REVIEWS, SHORTER WORKS, AND EDITORIALS

- Why the solution to the debt ceiling crisis (and to our dysfunctional federal government) can be found in Alaska*, Des Moines Register op-ed, April 2, 2023.
- Erin Lain co-author, *A Diverse Supreme Court Grapples with Affirmative Action, with its justices of color split sharply on the meaning of 'equal protection,'* The Conversation, Feb. 15, 2023.
- George Santos: a Democracy Cannot Easily Penalize Lies by a Politician*, The Conversation, Jan. 31, 2023.
- Introduction: The Constitution and Democratic Erosion Symposium*, 70 *DRAKE L. REV.* i (2022).
- International Democracy and United States Constitution Day: Why American Constitutionalists Should Pay More Attention to Democracy*, Int'l J. Const. L. Blog, Sept. 15, 2022, at <http://www.icconnectblog.com/2022/09/international-democracy-and-united-states-constitution-day-why-american-constitutionalists-should-pay-more-attention-to-democracy/>
- From the Least Dangerous Branch of Government to the Most Democratically Disruptive Court in the World*, Int'l J. Const. L. Blog, Jul. 12, 2022, at: <http://www.icconnectblog.com/2022/07/from-the-least-dangerous-branch-of-government-to-the-most-democratically-disruptive-court-in-the-world/>
- Does President Biden's Agenda Provide an Antidote to Trumpism?* Int'l J. Const. L. Blog, June 2, 2021, <http://www.icconnectblog.com/2021/06/does-president-bidens-agenda-provide-an-antidote-to-trumpism/>
- Militant democracy in America*, Int'l J. Const. L. Blog, Feb. 16, 2021, at: <http://www.icconnectblog.com/2021/02/militant-democracy-in-america>
- American Exceptionalism and the Capitol Riot One Year Later*, Int'l J. Const. L. Blog, Jan. 6, 2021, at <http://www.icconnectblog.com/2022/01/american-exceptionalism-and-the-capitol-riot-one-year-later/>
- Eric A. Posner, *The Demagogue's Playbook: The Battle for American Democracy from the Founders to Trump*, 31 *LAW & POL. BOOK REV.* __ (2021) (by invitation).

BOOK REVIEWS, SHORTER WORKS, AND EDITORIALS (continued)

- Co-author with David Landau, *Symposium Introduction: The Legacies of Trumpism and Constitutional Democracy in the United States*, Int'l J. Const. L. Blog, Jan. 19, 2020, at: <http://www.iconnectblog.com/2021/01/symposium-introduction-the-legacies-of-trumpism-and-constitutional-democracy-in-the-united-states/>
- Foreword: Is it Time to Amend the Constitution*, 67 DRAKE L. REV. i (2020)
- The Three Methodologies in Comparative Constitutional Theory*, British Association of Comparative Law, <https://british-association-comparative-law.org/2020/02/17/the-three-methodologies-in-comparative-constitutional-theory-edward-elgar-2018/> (2020).
- Iowa Senate is considering a flawed proposal to amend the Constitution*, Des Moines Register, April 10, 2018.
- Mark Tushnet, *Advanced Introduction to Comparative Constitutional Law (2014)*, 25 LAW & POL. BOOK REV. 14 (2015) (by invitation)
- The Other Path of Constitutionalism*, 50 TULSA L. REV. 101 (2015) (review essay for a book review symposium organized by Ken Kersch and Linda C. McClain).
- Javier A. Couso et al. eds., *Cultures of Legality: Judicialization and Political Activism in Latin America*, 21 LAW & POL. BOOK REV. 456 (2011) (by invitation).
- Revolution was in part about protecting judges*, Des Moines Register, January 20, 2011.
- New Thinking About National High Courts*, 45 TULSA L. REV. 101 (2010) (review essay for a book review symposium organized by Sanford Levinson and Mark Graber).
- Foreword: Symposium on Constitutional Review in China*, 43 SUFFOLK L. REV. 589 (2010).
- George Athan Billias, *American Constitutionalism Heard Around the World, 1789-1989 (2009)*, 20 LAW & POL. BOOK REV. 155 (2010) (by invitation).
- Barry Friedman, *The Will of the People: How Public Opinion Has Influenced the Supreme Court and Shaped the Meaning of the Constitution (2009)*, <http://www.concurringopinions.com/archives/2010/04/book-review-friedmans-the-will-of-the-people.html> (2010).
- Rule By Law: The Politics of Courts in Authoritarian Regimes* (Tom Ginsburg & Tamir Moustafa eds., 2008), 43 LAW & SOC'Y REV. 241 (2009) (by invitation).

SIGNIFICANT PRESENTATIONS AND CONFERENCES

- "The Difficulties Facing Our Constitutional Order and a Few Proposed Solutions," Sept. 20, 2023, Simpson University Constitution Day talk.
- "Trumpism and the Continuing Challenges to Three Political-Constitutionalist Orthodoxies," New York University School of Law, Feb. 1, 2022.
- "Trumpism and the Continuing Challenges to Three Political-Constitutionalist Orthodoxies," Northern Illinois College of Law, Sept. 9, 2021.
- "Trumpism and the Continuing Challenges to Three Political-Constitutionalist Orthodoxies," Southeastern Association of Law Schools Conference, July 30, 2021.

SIGNIFICANT PRESENTATIONS (continued)

- “Does Biden’s agenda provide an antidote to Trumpism?”, Law and Society Conference, May 28, 2021.
- “Trumpism and the Continuing Challenges to Three Political-Constitutionalist Orthodoxies,” American Society of Constitutional Law, Oct. 16, 2020.
- “Trumpism and the Continuing Challenges to Three Political-Constitutionalist Orthodoxies,” Law and Society Conference, May 31, 2020.
- “Democracy and Scholarly Fashions,” Democracy and Dysfunction Conference, Drake University Law School, Des Moines, IA, Sept. 21, 2019.
- “Is it Time to Amend the Constitution,” Drake University Law School, April 13, 2019.
- “The Trump Presidency,” The Future of Liberal Democracy, University of Texas School of Law, Austin, TX, Feb. 21-23, 2019.
- “The Federalist as a Primer on Constitutional Design,” University of Missouri School of Law, Columbia, MO, Dec. 1, 2017.
- “The Federalist as a Primer on Constitutional Design,” Eighth Annual Constitutional Law Colloquium, Chicago, IL, Nov. 4, 2017.
- “The Federalist as a Primer on Constitutional Design,” Law and Society Conference, New Orleans, LA, May 2, 2016.
- “The Federalist as a Primer on Constitutional Design,” Suffolk University School of Law, Boston, MA, Mar. 24, 2016.
- “The Federalist as a Primer on Constitutional Design,” University of Indiana School of Law, Center for Constitutional Democracy, April 7, 2016.
- Invited speaker, conference on SANFORD LEVINSON, AN ARGUMENT OPEN TO ALL: THE FEDERALIST IN THE 21ST CENTURY, University of Texas School of Law, Austin, TX, Jan. 23, 2016.
- “Why a Writing? Two Conceptions of Constitutionalism,” University of Nebraska School of Law, Lincoln, NE, Oct. 5, 2015.
- Comparative Constitutional Law Roundtable, Law and Society Conference, Seattle, WA, May 30, 2015.
- “Political Constitutionalism in the United States, Law and Society Conference, Boston, MA, May 30, 2013.
- Princeton University Constitutional Law “Schmooze,” Princeton, N.J., December 7-8, 2012.
- “Argentina, the ‘new’ constitutionalism in Latin America, and the ‘old’ constitutionalism in the United States,” Georgia State University College of Law, Faculty Workshop, Atlanta, GA, March 26, 2012.
- Panel Discussion of Gary Jacobsohn, *Constitutional Identity* (Harvard University Press 2010), Clough Center for Constitutional Democracy, Boston College, Newton, MA, March 15, 2012.
- “Argentina, the ‘new’ constitutionalism in Latin America, and the ‘old’ constitutionalism in the United States,” Willamette University College of Law, Salem, OR, February 16, 2012.

SIGNIFICANT PRESENTATIONS (continued)

- “The Once and Future Democracy: Argentina at the Bar of Constitutionalism,”
Oxford University Law School, Oxford, United Kingdom, December 8-9, 2011.
- “Constitutional Dialogue and Judicial Supremacy,” AALS Annual Meeting, Plenary
Session, Constitutional Law Section, San Francisco, CA, January 6, 2011.
- Princeton University Constitutional Law “Schmooze,” Princeton, N.J., December 3-4,
2010.
- A Conversation with the Honorable Samuel A. Alito, Jr., Associate Justice of the
United States Supreme Court, 12th Dwight D. Opperman Lecture in
Constitutional Law, Drake University Law School, Des Moines, IA, September
30, 2010.
- “The Constitution in Comparative Perspective,” Constitution Day, Drake University
Law School, Des Moines, IA, September 17, 2010.
- “Constitutional Dialogue and Judicial Supremacy,” Law and Society Conference,
Chicago, IL, May 29, 2010.
- “The Strange Cases of Marbury and Lochner in the Constitutional Imagination,”
Boston Public Law Working Group, Boston, MA, February 8, 2010.
- “President Obama and Democratic Constitutionalism,” AALS Annual Meeting, AALS
Executive Committee and Institute of Constitutional Studies Joint Program,
Constitutional Law Section, New Orleans, LA, January 7, 2010.
- “The Strange Cases of Marbury and Lochner in the Constitutional Imagination,”
Wesleyan University, Department of Government, Middletown, CT, October 21,
2009.
- “The Strange Cases of Marbury and Lochner in the Constitutional Imagination,”
Law and Society Conference, Denver, CO, May 29, 2009.
- “An Essay on the Emergence of Constitutional Courts,” Latin American Studies
Center, Tulane University, New Orleans, LA, March 2, 2009.
- “The Strange Cases of Marbury and Lochner in the Constitutional Imagination,”
Tulane University School of Law, New Orleans, LA, February 27, 2009.
- “The Strange Cases of Marbury and Lochner in the Constitutional Imagination,”
Symposium on Constitutional Design, University of Texas School of Law, Austin,
TX, January 29-31, 2009.
- “Judicial Review and American Constitutional Exceptionalism,” Boston College
School of Law, Boston, MA, November 20, 2008.
- “An Essay on the Emergence of Constitutional Courts,” AALS Conference on
Constitutional Law, Plenary Session on Alternative Constitutionalisms and
Breakout Session on Latin America, Cleveland, OH, June 5, 2008.
- “An Essay on the Emergence of Constitutional Courts,” Law and Society Conference,
Montreal, Canada, May 29-31, 2008.
- “Judicial Review and American Constitutional Exceptionalism,” The Roberts Court:
A New Jurisprudential Era? Suffolk University Law School Conference, Boston,
MA, April 10, 2008.
- “An Essay on the Emergence of Constitutional Courts,” Conference on
Operationalizing Global Democracy, Indiana University School of Law,
Bloomington, IN, March 19-21, 2008.

SIGNIFICANT PRESENTATIONS (continued)

- “Thinking About the Global Expansion of Judicial Power,” Northeastern University Political Science Department, Boston, MA, October 25, 2007.
- “Mapping Comparative Judicial Review,” Law and Society Conference, Humboldt University, Berlin, Germany, July 25-28, 2007.
- “Mapping Comparative Judicial Review,” AALS Conference on International Law, Vancouver, Canada, June 17-20, 2007.
- Mapping Comparative Judicial Review,” Constitutionalism Seminar, Institute for Constitutional Studies, George Washington University Law School, Washington, D.C., June 11-17, 2007.
- “Judicial Review in Comparative Perspective,” New England Political Science Association Meeting, Newton, MA, April 28, 2007.
- “Mapping Comparative Judicial Review,” Second Osgoode Hall Law School Constitutional Law Roundtable, York University, Toronto, Canada, February 24, 2007.
- “Mapping Comparative Judicial Review,” Second Annual Michigan-Illinois Comparative Law Workshop, University of Illinois College of Law, Champaign-Urbana, IL, February 9-10, 2007.
- “Squaring the Circle,” Cumberland School of Law, Stamford University, Birmingham, AL, September 15, 2006.
- “Squaring the Circle,” Law and Society Conference, Baltimore, MD, July 7, 2006.
- “The Other Path of Constitutionalism,” Constitution-building in Comparative Perspective Conference, University of Wisconsin Law School, Madison, WI, October 21-22, 2005.
- “Constitutionalism Through the Looking Glass of Latin America,” Law and Society Conference, Las Vegas, NV, June 4, 2005.
- “Law Through the Looking Glass of Latin America,” Thinking of Law in Latin America Conference, Harvard University Law School, Cambridge, MA, March 4, 2005.
- “The Political Foundations of the Rule of Law,” Law and Society Conference, Chicago, IL, May 28, 2004.
- “The Rule of Law and Democratic Consolidation in Latin America,” Latin American Studies Association Conference, Dallas, TX, March 27, 2003.

COMMITTEES AND SERVICE

Faculty advisor to the Hispanic Law Students Association
Drake representative to the American Society of Comparative Law
Chair of the AALS constitutional law section, 2011

ADDITIONAL TEACHING EXPERIENCE AND EDUCATION

PH.D. PROGRAM IN LATIN AMERICAN STUDIES

Tulane University 1997-2002.

ADJUNCT PROFESSOR IN POLITICAL SCIENCE AND LAW

Tulane University, 1998 – 2002.

Courses: Constitutional Law; Courts and Politics; Latin American Law, Politics, & Development; Introduction to Latin American Studies; and Legal Reasoning, which was taught to the law faculty at the I.T.E.S.M., Monterrey, Mexico.

PROFESSIONAL ASSOCIATIONS & JOURNALS

Member of the editorial board of Constitutional Studies, published by the Wisconsin Center for the Study of Liberal Democracy
American Society of Comparative Law and Law and Society Association.

FOREIGN LANGUAGES

Fluent in French and Spanish, working knowledge of German.

LEGAL EXPERIENCE

ASSOCIATE, Barkley & Thompson, commercial litigation, New Orleans, LA,
1992 – 1996.

TULANE BAR REVIEW, Drafted Louisiana bar review materials, New Orleans, LA,
June 1991 - Jan. 1992.

LAW CLERK, Hon. John M. Duhé, Jr., United States Fifth Circuit Court of Appeals
Lafayette, LA, 1989 – 1990.

LAW CLERK, Hon. F.A. Little, Jr., United States Western District of Louisiana
Alexandria, LA, 1988 – 1989.

SUMMER ASSOCIATE, Cleary, Gottlieb, Steen & Hamilton, N.Y., N.Y., Summer 1987.

INTERN, Federal Fourth Appellate Circuit, Buenos Aires, Argentina, Summer 1986.