

**BRIAN Z. TAMANAHA**

St. John's University School of Law  
8000 Utopia Parkway  
Jamaica, New York 11439  
(718) 990-5803

**ACADEMIC POSITIONS:**

Chief Judge Benjamin N. Cardozo Professor of Law, August 2003-  
Coordinator of New Faculty Scholarship, July 2002-2005  
Professor of Law, September 1999-  
Interim Dean, July 1998-June 1999  
Associate Professor, September 1997-August 1999  
Assistant Professor, September 1995-August 1997

Universitair Docent (Assistant Professor), University of Amsterdam, January 1991-June 1995  
Courses: American Law, Comparative Law

Research Associate and Lecturer, Van Vollenhoven Institute for Law and Administration in Non-Western Countries, Leiden University, March 1993- June 1995  
Course: Law in Developing Countries

Visting Professor, Anton De Kom University of Suriname, Fall 1992  
Course: American Law

Instructor, Graduate Program, Harvard Law School, Fall 1989, Fall 1990  
Course: American Law

**SELECTED PROFESSIONAL PRIZES, HONORS AND RECOGNITION:**

**Book Prizes and Awards:**

Inaugural Dennis Leslie Mahoney Prize in Legal Theory (2006), to *A General Jurisprudence of Law and Society*, for outstanding contemporary work in sociological jurisprudence, awarded by the Julius Stone Institute of Jurisprudence

Herbert Jacob Book Prize (2002), awarded by the Law and Society Association to *A General Jurisprudence of Law and Society*

Certificate of Special Recognition (1998), awarded by the Law and Society Association to *Realistic Socio-Legal Theory*

### **Keynote Addresses and Public Lectures:**

Julius Stone Address, August 2007 (invited and accepted), Julius Stone Institute, Sydney

Plenary Address, 7<sup>th</sup> Annual Conference of Association of European Legislation, Peace Palace, The Hague

Inaugural Montesquieu Lecture, November 12, 2004, University of Tilburg (published as monograph)

Public Lecture, Current Legal Problems Series, April 25, 2002, University College London (published)

Keynote Address, Conference on Law and Social Theory, December 14, 2000, Wolfson College, Oxford University

Public Lecture, and Legal Theorist in Residence, March 13-17, 2000, Schoordijk Institute for Jurisprudence and Comparative Law, University of Tilburg

Clason Lecture, Western New England School of Law, April 23, 1997

### **Praise for Books:**

Praise for *On the Rule of Law*:

“This is a valuable work that fills the need for a clearly articulated introduction to this now widely praised, but often poorly understood, political ideal...an excellent point of departure...”

*Law and Politics Review*

Praise for *A General Jurisprudence of Law and Society*:

“bold, ambitious, radical, and challenging...this is an important work.”

*Law and Society Review*

“Tamanaha’s book offers important conceptual, philosophical, and sociological insights into law;...an important contribution to both the philosophical and sociological literature—a very impressive feat.”

*Oxford Journal of Legal Studies*

Praise for *Realistic Socio-Legal Theory*:

One of “the most significant books to appear” in Jurisprudence in the 1990’s.

*Lloyd’s Introduction to Jurisprudence*

“by any criterion an excellent book...Tamanaha has produced a work which should feature as a core text in jurisprudence courses.”

**Other Recognition:**

Professor of the Year (2001), voted by students

Conference on *Realistic Socio-Legal Theory* at Rutgers-Camden School of Law, March 4, 2000, symposium articles published in 32 Rutgers Law Journal 225-306 (2000)

Associate Editor, *Law and Society Review*, 2003-

Presentations to faculty at Leiden University, Amsterdam University, Groningen University, University College London, University of Minnesota Law School, Berkeley Center for Law and Society, Stanford Law School, Northwestern University School of Law, Cardozo Law School, University of Pennsylvania School of Law, University of Indiana School of Law (Bloomington), Emory Law School, Rutgers Law School (Newark), University of Miami Law School, Temple Law School, University of Washington Political Science Department

Various publications translated into Japanese, Spanish, and Ukrainian

**PUBLICATIONS:**

**Books:**

*Law as a Means to an End: Threat to the Rule of Law* (Cambridge University Press, forthcoming 2006)

*The Perils of Pervasive Legal Instrumentalism*, Montesquieu Lecture Series, Vol. 1 (Nijmegen: Wolf Legal Publishers 2006)

*On The Rule of Law: History, Politics, Theory* (Cambridge University Press 2004)(being translated into Ukrainian, request to translate into Spanish)

*A General Jurisprudence of Law and Society* (Oxford: Oxford University Press 2001)

*Realistic Socio-Legal Theory: Pragmatism and a Social Theory of Law* (Oxford: Clarendon Press 1997)

*Bibliography on Law and Developing Countries* (Dordrecht: Martinus Nijhoff 1995)

*Understanding Law in Micronesia: An Interpretive Approach to Transplanted Law* (Leiden: Brill Publishing Co. 1993)

## Articles:

“The Contemporary Relevance of Legal Positivism,” *Australian Journal of Legal Philosophy* (forthcoming 2007)

“A Socio-Legal Approach to the Internal-External Distinction; Jurisprudential and Legal Ethics Implications,” *Fordham L. Rev.* (forthcoming 2006)

“How an Instrumental View of Law Corrodes the Rule of Law,” *DePaul L. Rev.* (forthcoming 2006)

“The Tension Between Legal Instrumentalism and the Rule of Law,” *33 Syracuse J. of Int. L. & Commerce* 131 (2005)

“The Rule of Law for Everyone?” *55 Current Legal Problems* 97 (2002)

“Socio-Legal Positivism and a General Jurisprudence,” *21 Oxford Journal of Legal Studies* 1 (2001)

“A Non-Essentialist Concept of Legal Pluralism,” *27 Journal of Law and Society* 296 (2000)

“Conceptual Analysis, Continental Social Theory, and CLS: A Response to Bix, Rubin, and Livingston,” *32 Rutgers Law Journal (Camden)* 281 (2000)

“The View of Habermas From Below: Doubts About the Centrality of Law and the Legitimation Enterprise,” *76 University of Denver Law Review* 989 (1999)

“Pragmatism in U.S. Legal Theory: Its Application to Normative Jurisprudence, Sociological Studies, and the Fact-Value Distinction,” *41 American Journal of Jurisprudence* 315 (1996)

“The Internal-External Distinction and the Notion of a Practice in Legal Theory and Socio-Legal Studies,” *30 Law and Society Review* 163 (1996)

“An Analytical Map of Social Scientific Approaches to the Concept of Law,” *15 Oxford Journal of Legal Studies* 501 (1995)

“The Lessons of Law and Development Studies” *89 American Journal of International Law* 470 (1995), translated into Japanese and published in *44 Keio L.J.* 227 (2006)

“The Folly of the Social Scientific Concept of Legal Pluralism,” *20 Journal of Law and Society* 192 (1993); reprinted in *Sociological Perspectives on Law*, edited by R. Cotterrell (Ashgate 2001); reprinted in *Law and Anthropology*, edited by M. Mundy (Ashgate 2002); translated into Spanish and published in *Nuevo Pensamiento Juridico* (forthcoming 2006)

“Looking at Micronesia for Insights About Law and Legal Thinking,” 41 *American Journal of Comparative Law* 9 (1993)

“The Issue of Politics and the Judge in the United States,” 41 *Ars Aequi* 733 (1992)

“A Proposal for the Development of a System of Indigenous Jurisprudence in the Federated States of Micronesia,” 13 *Hastings International and Comparative Law Review* 71 (1989)

“Post-1997 Hong Kong: A Comparative Look at the Meaning of ‘High Degree of Autonomy,’” 5 *China Law Reporter* 163 (1989)

“Custom and Traditional Leaders Under the Yap Constitution,” 10 *University of Hawaii Law Review* 81 (1988)

“A Critical Review of the Classified Information Procedures Act,” 13 *American Journal of Criminal Law* 277 (1986)

“The Cost of Preserving Rights: Attorney's Fees and Intervenors in Civil Rights Litigation,” 19 *Harvard Civil Rights-Civil Liberties Law Review* 109 (1984)

#### **Chapters/Encyclopedia Entries:**

“Gap Problem,” *Encyclopedia of Law and Society* (Sage Publications 2006)

“The Rule of Law in the United States,” in *Asian Discourses of Rule of Law*, edited by R. Perenboom (London: Routledge 2004)

“A Pragmatic Response to the Embarrassing Problem of Ideology Critique,” in *Renascent Pragmatism: Studies in Law and Social Science*, edited by A. Morales (Ashgate Press 2003)

“Sociology and Law,” *Oxford Handbook on American Law* (Oxford University Press 2002)

“Legal Positivism,” *International Encyclopedia of the Social and Behavioral Sciences* (Elsevier Science 2001)

“A Pragmatic Approach to Legislative Theory for Developing Countries,” in *Making Development Work: Legislative Reform for Institutional Transformation and Good Governance*, edited by Robert Seidman, et al. (Hague: Kluwer 1999)

#### **EDUCATION:**

Harvard Law School, Doctorate of Juridical Science, 1992  
Boston University School of Law, Juris Doctor, *magna cum laude*, 1983  
University of Oregon, Bachelor of Science, 1980

Selected Educational Honors and Awards:

Full scholarship from Harvard Law School to complete S.J.D.; Member, *Boston University Law Review*; Liacos Distinguished Scholar; Hennessey Distinguished Scholar; Tauro Distinguished Scholar

**ATTORNEY POSITIONS:**

Legal Counsel, Micronesian Constitutional Convention, Summer 1990

Assistant Attorney General, Yap State, Federated States of Micronesia, November 1986-  
August 1988

Assistant Federal Public Defender, District of Hawaii, September 1984- March 1986

Law Clerk, Honorable Walter E. Hoffman, United States District Court for the Eastern  
District of Virginia, August 1983- September 1984

**BAR ADMISSIONS:**

Massachusetts Bar (inactive status), admitted 1984

Hawaii Bar (inactive status), admitted 1986

Federated States of Micronesia, admitted 1987