

# JOSHUA BRAVER

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## EDUCATION

### **Yale Graduate School of Arts and Science**

Ph.D. in Political Science, 2017

Doctoral Committee: Bryan Garsten, Bruce Ackerman, and Seyla Benhabib

Title of Dissertation: We, the Mediated People: Unconventional Adaptation in the  
Creation of Post-Cold War South American Constitutions

### **Yale Law School**

J.D., June 2011

*Activities:* Submissions Editor, *Yale Law and Policy Review*

Finalist, Yale Moot Court Competition

Finalist, Yale Mock Trial Competition

Teaching Assistant, Constitutional Law with Professor Akhil Reed Amar

### **University of California, Berkeley**

B.A., Political Science, June 2006

*Honors:* Valedictorian of the 2006 Political Science Class

Phi Beta Kappa

## APPOINTMENTS

### **Tufts University, 2017-2018**

Jonathon M. Tisch Postdoctoral Fellow, Civic Studies

### **Harvard Law School, 2018-2020**

Climenko Fellow

### **University of Wisconsin Law School, Fall 2020-Present**

Assistant Professor of Law

## RESEARCH AND PUBLICATIONS

### **BOOKS**

WE, THE MEDIATED PEOPLE: POPULIST CONSTITUTION-MAKING IN CONTEMPORARY SOUTH AMERICA, Oxford University Press (2023)

Joshua Braver & Steven Calabresi, U.S. CONSTITUTION AND COMPARATIVE CONSTITUTIONAL LAW: TEXT, CASES, AND MATERIALS with Steven Calabresi, Foundation Press (2016) with new edition forthcoming 2026 (work performed prior to tenure-track appointment at UW-Madison)

## ARTICLES

*Disobeying Lawful but Unethical Orders in the Army*, NORTHWESTERN LAW REVIEW (forthcoming 2026)

*The Constitutional Case Against Exclusionary Zoning*, 103 TEXAS LAW REVIEW 1 (2024) (with Ilya Somin)

*A Progressive Judiciary? The Supreme Court and Electoral Politics from Reconstruction to the Present*, 66 ARIZONA LAW REVIEW 841 (2024) (Gregory Elinson)

*Court-Packing: An American Tradition?*, 61 BOSTON COLLEGE LAW REVIEW 2747 (2020)

*Hannah Arendt in Venezuela: Hugo Chávez Battles the Supreme Court over the Creation of the 1999 Venezuelan Constitution*, 14 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 555 (2016)

*Exporting Counter Interpretation: Redeeming the U.S. Constitution in the UK*, 47 GEORGETOWN JOURNAL OF INTERNATIONAL LAW 867 (2016)

## BOOK CHAPTERS, BOOK REVIEWS & SYMPOSIUM

*Court-Packing in the United States* in CONSTITUTIONAL CHANGE AND INTERNATIONAL LEGAL ORDER (ed., Diego González Cadenas, TIRANT LO BRANCH 2022)

*Bolivia* in OXFORD HANDBOOK OF CONSTITUTIONAL LAW IN LATIN AMERICA (eds., Conrado Hübner Mendes, Roberto Gargarella, and Sebastián Guidi, OXFORD UNIVERSITY PRESS, 2022)\*

*The Republican Party's First 100 Days*, ILLINOIS LAW REVIEW, Apr. 30, 2021 (symposium on Biden's first 100 days)

*What's the Rush? Why Revolutionaries Love Speed*, BALKINIZATION BLOG, Jan. 15, 2020 (symposium on Gary Jeffrey Jacobsohn & Yaniv Roznai, CONSTITUTIONAL REVOLUTION)

Extended Book Review Essay, *Critiquing Trade from Within* 23 JOURNAL OF INTERNATIONAL ECONOMIC LAW 771 (2020) (reviewing Frank Garcia, CONSENT AND TRADE)

*Election Rules and Constitutional Assemblies* in THE FOUNDATIONS AND TRADITIONS OF CONSTITUTIONAL AMENDMENT (Richard Albert & Xenophon Contiades, eds., Hart Publishing, 2017)

Extended Book Review Essay, *Undemocratic Deliberation*, 35 LEGAL STUDIES 720 (2015) (reviewing CONSTITUTIONAL COURTS AND DELIBERATIVE DEMOCRACY)

## POPULAR WRITING

*When the Military Comes to American Soil*, ATLANTIC MONTHLY, June 17, 2025

*The Military May Find Itself in an Impossible Situation*, NEW YORK TIMES, June 11, 2025

*The Constitutional Case Against Exclusionary Zoning*, ATLANTIC MONTHLY, June 12, 2024  
(with Ilya Somin)

*The Court's Liberal Still Have Power*, ATLANTIC MONTHLY, Aug. 17, 2022

Extended Book Review Essay, *Reform or Revolution?*, LAWFARE, (reviewing Noah Feldman, THE BROKEN CONSTITUTION)

*Responding to Randy Barnett's Invocation of my Work*, THE VOLOKH CONSPIRACY, Feb. 17, 2022

*Constitutional Boot-Strapping in Chile?*, I-Connect Blog, Nov. 2, 2021

*The Justice Department Shouldn't Open the Pandora's Box of Seditious Conspiracy*, LAWFARE, May 6, 2021

*Suing Trump over the Capitol Riot: A Preliminary Assessment*, LAWFARE, Feb. 26, 2021 (with Scott R. Anderson and Alan Z. Rozenstein)

*The Myth of Recurrent Court-Packing*, THE CONSTITUTIONALIST, Nov. 30, 2020

*Putting "Abusive Constitutionalism" in Perspective*, INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW BLOG, with response by David Landau, July 28, 2018. (work performed prior to tenure-track appointment at UW-Madison)

*New York Isn't Ready for a Constitutional Convention*, DISSENT, Nov. 6, 2017. (work performed prior to tenure-track appointment at UW-Madison)

*Counter-Interpretation, Constitutional Design, and the Right to Family Life*, UK CONSTITUTIONAL LAW BLOG, Jan. 6, 2014. (work performed prior to tenure-track appointment at UW-Madison)

*What House of Cards Gets Wrong*, POLITICO, Sept. 20, 2013

## **RESEARCH AND PUBLICANS IN PROGRESS**

LAW BENEATH THE BAYONETS: WHEN PARTISAN CONFLICT BRINGS SOLDIERS TO AMERICA'S STREETS. (Book-project)

*From Property to Functions: The Expanding Scope of the President's Protective Power*. (Article-length project)

*The National Guard and State Law.* (Article-length project) (with Anthony Ghiotto)

*The State Constitutional Law Case against Exclusionary Zoning* (Article-length project) (with Ilya Somin)

## INTERVIEWS AND COVERAGE OF MY RESEARCH

[\*Oath Keepers face seditious conspiracy charges\*](#), NPR RADIO, Feb. 1, 2022

[\*Seditious conspiracy is rarely proven\*](#), THE GUARDIAN, Jan. 28, 2022

[\*U.S. built 'textbook' case of sedition charges for Capitol attacks\*](#), REUTERS, Jan. 14, 2022

[\*No seditious conspiracy charges emerge in U.S. Capitol riots cases\*](#), REUTERS, June 3, 2021

Joan Biskupic, [\*Biden's Supreme Court commission set to launch as some liberals are eager to pack the court\*](#), CNN, Jan. 30, 2021

[\*Academic highlight: The past, present and future of court packing\*](#), SCOTUSBLOG, Dec. 22, 2020

*Counter-Interpretation and Constitutional Supremacy*, I-CONNECT BLOG VIDEO INTERVIEW, Jan. 23, 2015 (performed prior to tenure-track appointment at UW-Madison)

## SELECTED PRESENTATIONS

*Disobeying Lawful but Unethical Orders in the Army*

- UCLA Law Faculty Workshop, March 2025
- Boston College Faculty Workshop, March 2025
- UNC Chapel Hill Law Faculty Workshop, January 2025
- Politics, Culture and Society Workshop, UW-Madison Sociology, October 2024
- Chicagoland Conference, September 2024
- Law and Society Conference, Denver, June 2024
- American Political Science Association Conference, September 2024

*Is the Supreme Court Inherently Anti-progressive?*

- Chicago Kent Law School Faculty Workshop, March 2023
- Univ. of Wisconsin Madison Law School Workshop, April 2023
- Loyola Constitutional Law Colloquium, November 2023

*We, the Mediated People*, Book Presentation

- American Political Science Association Conference, September 2024
- Constitution-making in Global South, University of Wisconsin, April 2023
- Universidad del Rosario, March 2023
- Universidad Diego Portales (Chile), March 2023

*Court-Packing for Moderates*

- Constitutional Law Colloquium, Loyola, November 2022
- Controlling the Supreme Court Symposium, October 2022

*Contextualizing Court-Packing*, Law and Society Association Conference, July 2022

*How Politicians Legalize Impeachment*

- Midwest Political Science Association Conference, April 2022
- Texas A& M Law School Speaker Series, February 2022
- American Society of Comparative Law Conference, October 2021
- International Journal of Constitutional Law Conference, August 2021
- American Political Science Review Association, September 2021

*The Politics and History of Court-Packing: A Debate with Dan McLaughlin*, Dallas and Austin Chapter of the Federalist Society, December 2020.

*Is Court-Packing Legitimate: A debate with Thomas Keck*, The Constitutionalist, October 2020

*Pumping the Brakes on Packing the Court*, 8 O’Clock Buzz, Wort 89.9, October 2020

*The Myth of Recurrent Court-Packing*

- University of Chicago Public Law Workshop, September 2021
- Global Summit Conference, January 2020
- American Political Science Association Conference, September 2020
- University of Richmond Law School, Junior Faculty Forum, May 2019
- University of Michigan Law School, Junior Scholars Conference, April 2019

*Popular Constitution-Making*,

- University of Valencia Conference, Constitutional Change and Constituent Power, Dec. 2020
- University of Texas at Austin Law School, Constitutional Studies Luncheon, April 2019
- Harvard Law School, *Constitution-Making Class* taught by Lawrence Lessig, October ‘ 2018

*Judicial Review of Constitutional Assemblies*, UCLA Law School, *Annual Works-in-Progress Comparative Law Workshop*, February 2017

*Conflicts between Governments and Constitutional Assemblies*

- Yale Law School, ACS Progressive Scholars Workshop, September 2016
- American Political Science Association Conference, September 2016

*Shifting the Median Voter*, American Society of Comparative Law Committee on Law and Social Sciences, University of Chicago, May 2016

*Conflicts between the Government and the Constituent Assembly in South America*

- Future of Democracy Conference, National Museum of Iceland, May 2016
- Yale Law School, Human Rights Workshop, October 2015

*Exporting U.S. Counter-Interpretation to the UK,*

-Workshop on Comparative Constitutional Law, University of Milan Department of National and Supranational Law, May 2015

*Hannah Arendt in Venezuela: The Battle between Hugo Chávez and the Supreme Court over the Creation of the 1999 Constitution*

-Workshop on Comparative Constitutional Amendment, Boston College Law School, May 2015

-Plenary Panel, Younger Comparative Constitutionalist Conference, Florida State University, April 2015

## **SELECTED TEACHING EXPERIENCE**

**UNIVERSITY OF WISCONSIN LAW SCHOOL**, Madison, WI.

Fall 2020-Present

*Instructor, Legal Research and Writing*

**HARVARD LAW SCHOOL**, Cambridge, MA.

Fall 2018- Spring 2020

*Instructor, Legal Research and Writing*

**YALE LAW SCHOOL**, New Haven, CT.

Fall 2015

*Guest lecturer, Comparative Constitutional Law*

With Professor Steven Calabresi and Akhil Reed Amar, co-led two sessions on positive rights and constitution-making using chapters I authored in a comparative constitutional law casebook.

**PROF. ALEC STONE SWEET, YALE UNIVERSITY**, New Haven, CT.

Spring 2014

*Teaching Assistant, Law and Globalization*

Led discussion sections. Prepared and reviewed student assignments.

**PROF. AKHIL REED AMAR, YALE UNIVERSITY**, New Haven, CT.

Spring 2011

*Teaching Assistant, Constitutional Law*

Led discussion sections. Prepared and reviewed student assignments.

## **PROFESSIONAL EXPERIENCE**

**Department of Justice, Office of Legal Policy**, Washington, DC

July-August 2010

*Intern.* Analyzed constitutionality of regulations and feasibility of pending legislation. Authored memo on the power of the Attorney General. Vetted judicial nominees.

**Cahill, Gordon, & Reindel LLP**, New York, NY

June-July 2010

*Summer Associate.* Prepared notes for interviews in white collar investigation. Reviewed regulations governing discovery with federal agencies.

**Campaign Legal Center**, Washington, DC

Summer 2009

*Intern.* Researched and drafted amicus briefs concerning campaign finance and standing rules.

**Department of Homeless Services Legal Affairs**, New York, NY

2006-2007

*Urban Fellow.* Represented the agency at administrative law hearings. Drafted internal agency memos and policies concerning a wide variety of issues, such as search and seizure and funding streams in city shelters. Participated in fellowship activities, including weekly seminars.

## **FELLOWSHIPS AND AFFILIATIONS**

MacMillan Center Dissertation Grant, 2016

Latin American Travel Grant, Council for Latin American Studies, 2015

Director, Yale Colloquium on Representative Government, 2011-2014

Tinker Research Grant, Council for Latin American and Iberian Studies, 2014

Pre-Dissertation Grant, Macmillan Center for International and Area Studies, 2012

UK Popular Sovereignty Network Grant, 2012

## **LANGUAGES**

Spanish

## **TEACHING AND RESEARCH INTERESTS**

*Primary:* U.S. and Comparative Constitutional Law, Civil-Military Relations, Legislation and Administrative Law

*Secondary:* International Business Transactions, Alternative Dispute Resolution, Contracts, Torts, Labor Law

## **PROFESSIONAL SERVICE**

### **General**

*Founder and Organizer,* Junior Faculty Happy Hour, 2020-present

*Co-organizer,* Law School Junior Faculty Writing Retreat and Workshop, 2025-Present

*Organizer,* UW International Law Journal Conference, Central Banking in a Time of Crisis, Planned April 2024

*Faculty Advisor,* American Constitution Society, 2022-Present

*Third Reader,* JSD Dissertation Thesis (Maryam Khan 2024)

*Third Reader*, JSD Dissertation Thesis (Tinashe Hofisi 2024)

*Third Reader*, LLM Master's Thesis (S. Lisa Washington 2022)

*Protest Observer*, National Lawyers Guild of University of Wisconsin-Madison, 2022-Present

*Discussant*, CLASSIFIED by David Bernstein, Federalist Society Event, March 2023

*Is the Supreme Court Inherently Conservative?* Debate with Illya Somin, ACS/Fed Soc. Debate at UW-Madison, October, 2022

*Is the Constitution Tainted?*, ACS/Fed Soc. Debate at UW-Madison, September 2024

*Judge*, UW Evans Moot Court Competition, Feb. 2022

*Impeachment*, Presentation to 1Ls for Orientation, September 2022

*Trainer and Practitioner*, Harvard Mediation Project, 2017-2020

*Rapporteur*, American Society of Comparative Law Committee on the Integration of Law and Social Science, 2016

*Representative*, Yale Graduate Student Assembly, 2013-2014

*Member*, Yale Graduate Student Assembly Dean's Committee on Student Grievances, 2013-2014

*Director*, Yale Colloquium on Representative Government, 2012-2013

## **Committees**

Member, Tenure Track Appointments (2024-Present)

Member, Academic Planning (2025 – Present)

Member, Faculty Staff and Awards (2025 – Present)

Member, Outcomes and Assessment (2023-2024)

Member, Student Awards (2020-2022)

Member, Research Promotion and Visibility (2020-2021)

## **REFERENCES**



Prof. Martha Minow  
Harvard Law School  
617-495-4276  
[minow@law.harvard.edu](mailto:minow@law.harvard.edu)

Prof. Akhil Reed Amar  
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203-432-4838  
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Prof. Steven G. Calabresi  
Northwestern Law School  
312-503-7012  
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University of Texas Law School  
512-232-1351  
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617-496-0555  
[vjackson@law.harvard.edu](mailto:vjackson@law.harvard.edu)

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Yale Law School  
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Yale Department of Political Science  
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Harvard Law School  
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[mklarman@law.harvard.edu](mailto:mklarman@law.harvard.edu)

Prof. Bruce Ackerman  
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