

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

University of Wisconsin Law School, Fall 2020-Present

Assistant Professor of Law

Harvard Law School, 2018-2020

Climenko Fellow

Tufts University, 2017-2018

Jonathon M. Tisch Postdoctoral Fellow, Civic Studies

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) (New edition forthcoming 2026)

ARTICLES

Deference under the Insurrection Act, EMORY LAW REVIEW (forthcoming 2027)

Disobeying Lawful but Unethical Orders in the Military's Professional Constitutionalism, 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)

RESEARCH AND PUBLICATIONS IN PROGRESS

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

The State Constitutional Law of Exclusionary Zoning (Article) (with Ilya Somin)

POPULAR WRITING

Disobeying Military Orders is Full of Risk, WALL STREET JOURNAL, Nov. 27, 2025

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

Whiskey Rebellion as Precedent?, LAWFARE, June 10, 2025

Deference Due? Trump, the National Guard, and Mott, VOLOKH CONSPIRACY, Oct. 14, 2025

Judicial Deference and the National Guard in Chicago, CHICAGO TRIBUNE, Oct. 9, 2025

When the Military Comes to American Soil, ATLANTIC MONTHLY, June 17, 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), March 24, 2022

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.

New York Isn't Ready for a Constitutional Convention, DISSENT, Nov. 6, 2017.

Counter-Interpretation, Constitutional Design, and the Right to Family Life, UK CONSTITUTIONAL LAW BLOG, Jan. 6, 2014.

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

INTERVIEWS AND COVERAGE OF MY RESEARCH

Adam Liptak, [A 200-Year-Old Precedent Holds the Key to Trump's Troop Deployment](#), NEW YORK TIMES, Oct. 21, 2025

[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

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)

SELECTED PRESENTATIONS

Disobeying Lawful but Unethical Orders in the Military

- University of Pennsylvania Constitutional Law Workshop, Nov. 2025
- 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
- Law and Society Conference, Denver, June 2024
- American Political Science Association Conference, September 2024

The Whiskey Rebellion as Precedent and Theory

- Constitutional Law Colloquium, Nov. 2025

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
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Prof. Akhil Reed Amar
Yale Law School
203-432-4838
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