BRAD R. ROTH

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CURRENT APPOINTMENT

Professor of Political Science and Law, **WAYNE STATE UNIVERSITY**
(Full Professor as of August 2011; Associate Professor, 2001-11; Assistant Professor, 1997-2001).
Courses Taught:
International Law; Human Rights; Foreign Relations Law; International Prosecution of State Actors; Political Theory of Public Law; American Legal Systems and Processes; Law and State Security.

PROFESSIONAL SERVICE

American Branch Representative (one of three), International Law Association Research Committee on the Recognition/Non-Recognition of States and Governments, 2010-16.

PREVIOUS PROFESSIONAL EMPLOYMENT

Visiting Professor of Law, Fall 1996, and Lecturer in Law, Spring 1996,
UNIVERSITY OF CALIFORNIA, BERKELEY, School of Law (Boalt Hall)
Courses Taught: International Law; Law and Armed Conflict

Litigation Attorney, Hannoch Weisman, P.C., Roseland, New Jersey, 1988-91.

Judicial Clerk, Supreme Court of New Jersey, Chief Justice Robert N. Wilentz, 1987-88.

EDUCATION

Ph.D., Jurisprudence and Social Policy Program
UNIVERSITY OF CALIFORNIA, BERKELEY, December 1996

LL.M., COLUMBIA LAW SCHOOL, 1992
Ford Foundation Fellow in Public International Law
Parker Program Recognition with Honors in International and Foreign Law

J.D., HARVARD LAW SCHOOL, *cum laude*, 1987
Editorial Board, *Harvard Civil Rights-Civil Liberties Law Review*

B.A., SWARTHMORE COLLEGE, High Honors, 1984
Major: Political Science Minor: Economics
Ivy Award (awarded by the faculty to "the Senior man outstanding in leadership, scholarship and contributions to the College community")

SCHOLARSHIP (as of July 2015)

Publications

Books

Sovereign Equality and Moral Disagreement: Premises of a Pluralist International Legal Order (Oxford University Press, 2011).

Governmental Illegitimacy in International Law (Oxford University Press, 1999).
Winner, 1999 American Society of International Law Certificate of Merit
("Best Work in a Specialized Area")

Co-edited Collection:

Gregory H. Fox & Brad R. Roth, eds., *Democratic Governance and International Law* (Cambridge University Press, 2000) (collection of new and previously published work from leading writers in international law and international relations, including new and previously published work by the editors and an editors' introduction).

Research Publications -- Journal Articles and Book Chapters:

"The Virtues of Bright Lines: Self-Determination, Secession, and External Intervention," *German Law Journal* 16:384-415 (2015) (Special Issue on the Crisis in Ukraine).

(with Sharon F. Lean) "A Bolivarian Alternative? The New Latin American Populism Confronts the Global Order," in Barbara J. Stark, ed., *International Law and Its Discontents* (Cambridge University Press, 2015), pp. 221-48..

"Reconceptualizing Recognition of States and Governments," in Christopher Daase, Caroline Fehl, Anna Geis & Georgios Kolliarakis, eds.*„Recognition in International Relations. Rethinking a Political Concept in a Global Context* (Basingstoke, NY: Palgrave Macmillan, 2015), pp. 141-61.

"Parsing 'Mutual Non-Recognition and Mutual Non-Denial': An International Law Perspective on Taipei's Current Framework for Cross-Strait Relations." *Chinese (Taiwan) Yearbook of International Law and Affairs* 30:15-30 (2012) (actual publication, 2014).

"Just Outcomes, Overreaching Rationales: How International Criminal Law's Achievements Augur Flawed Responses to Political Violence" *Arizona Journal of International and Comparative Law* 31:55-80 (2014).

"Sovereign Equality and Non-Liberal Regimes," *Netherlands Yearbook of International Law* 43:25-52 (2012).

"Secessions, Coups, and the International Rule of Law: Assessing the Decline of the Effective Control Doctrine," *Melbourne Journal of International Law* 11:393-440 (2010).

"Coming to Terms with Ruthlessness: Sovereign Equality, Global Pluralism, and the Limits of International Criminal Justice," *Santa Clara Journal of International Law* 8:231-88 (2010).

"The Entity That Dare Not Speak Its Name: Unrecognized Taiwan as a Right-Bearer in the International Legal Order," *East Asia Law Review* (University of Pennsylvania Law School) 4:91-124 (2009).

> – Published in Chinese translation, *Taiwan Law Review* (Taipei: Angle Publishing), (No. 158) 2008.7:84-103.

"State Sovereignty, International Legality, and Moral Disagreement," in Tomer Broude & Yuval Shany, eds., *The Shifting Allocation of Authority in International Law* (Oxford: Hart Publishing Co., 2008), pp. 123-61.

"Just Short of Torture: Abusive Treatment and the Limits of International Criminal Justice," *Journal of International Criminal Justice* (Oxford University Press) 6:215-39 (2008), available at <http://jicj.oxfordjournals.org/cgi/reprint/mqn012?ijkey=QvcVzUKbRiL4WdA&keytype=ref>.

"Coercion and the Quest for Substantive Freedom," in Mary Garrett, Heidi Gottfried, & Sandra F. VanBurkleo, eds, *Remapping the Humanities: Identity, Community, Memory, (Post)Modernity* (Wayne State University Press, 2008), pp. 237-54.

"Taiwan's Nation-Building and Beijing's Anti-Secession Law: An International Law Perspective," in Chen Chi-sen *et al.*, ed., *Sovereignty, Constitution, and the Future of Taiwan* (Taiwan Law Society, 2006), pp. 1-59.

"The Enduring Significance of State Sovereignty," *Florida Law Review* 56:1017-50 (2004).

"Retrospective Justice or Retroactive Standards? Human Rights as a Sword in the East German Leaders Case," *Wayne Law Review* 50:37-68 (2004).

"Retrieving Marx for the Human Rights Project," *Leiden Journal of International Law* (Cambridge University Press) 17:31-66 (2004). Republications:

> – Revised version: "Marxian Insights on the Human Rights Project," in Susan Marks, ed., *International Law on the Left: Revisiting Marxist Legacies* (Cambridge University Press, 2008), pp. 220-51.
>
> – Original version, in Susan Easton, ed., *Marx and Law* (Philosophers and Law Series), (London: Ashgate Pub. Ltd.,2008), pp. 265-302.

"What's Left? Socialist Political Thought After the Fall," in Thomas Newlin & Sibelan Forrester, eds., *Towards a Classless Society: Literature, History, and Politics: A Festschrift for Thompson Bradley* (Bloomington, Indiana: Slavica (Indiana University) Press, 2004), pp. 195-211.

"Anti-Sovereigntism, Liberal Messianism, and Excesses in the Drive against Impunity," *Finnish Yearbook of International Law* 12:17-45 (2001 volume, published 2003).

"Bending the Law, Breaking It, or Developing It? The United States and the Humanitarian Use of Force in the Post-Cold War Era," in Michael Byers & Georg Nolte, eds., *United States Hegemony and the Foundations of the International Law* (Cambridge University Press, 2003), pp. 232-63.

"The CEDAW as a Collective Approach to Women's Rights," *Michigan Journal of International Law* 24:187-225 (2002).

"Understanding the 'Understanding': Federalism Constraints on Human Rights Implementation," *Wayne Law Review* 47:891-907 (2002).

(with Gregory H. Fox) "Democracy and International Law," *Review of International Studies* 27:327-352 (2001).

"The Illegality of 'Pro-Democratic' Invasion Pacts," in Gregory H. Fox and Brad R. Roth, eds., *Democratic Governance and International Law* (Cambridge University Press, 2000), pp. 328-42.

"What Ever Happened to Sovereignty? Reflections on International Law Methodology," in Charlotte Ku & Thomas G. Weiss, eds., *Understanding Global Governance* (Academic Council on the United Nations System, 1998) <http://www.acuns.wlu.ca/publications/IRILToolbox.pdf>, pp. 69-100.

"Evaluating Democratic Progress: A Normative Theoretical Perspective," *Ethics & International Affairs*, 9:55-77 (1995), reprinted in Gregory H. Fox & Brad R. Roth, eds., *Democratic Governance and International Law,* (Cambridge University Press, 2000).

"Governmental Illegitimacy Revisited: 'Pro-Democratic' Armed Intervention in the Post-Bipolar World," *Transnational Law & Contemporary Problems*, 3:481-513 (1993).

"Constitutionalism in Eastern Europe: Alternatives to the Liberal Social Contract," *Dickinson Journal of International Law*, 11:283-324 (1993).

"The First Amendment in the Foreign Affairs Realm: 'Domesticating' the Restrictions on Citizen Participation," *Temple Political & Civil Rights Law Review*, 2:255-91 (1993).

Journal and Compilation Commentaries:

"Coalitions of the Willing and the International Rule of Law," in Christian Calliess, Georg Nolte & Peter-Tobias Stoll, *Coalitions of the Willing: Avantgarde or Threat?* (Munich: Carl Heymanns Verlag GmbH, 2007), pp. 33-42.

"The Lawyerly Path to Degradation," in Special Issue on Guantanamo, *Politics and Culture* 2007:1, available at <http://www.politicsandculture.org/2009/10/02/brad-r-roth-on-legal-license/>.

"International Law," in Martin Griffiths, ed., *Encyclopedia of International Relations and Global Politics* (Routledge, 2005), pp. 425-35.

"International Decisions: *Sosa v. Alvarez-Machain*; *United States v. Alvarez-Machain*," *American Journal of International Law* 98:798-804 (2004).

"Peaceful Transition and Retrospective Justice: Some Reservations. A Response to Juan Mendez," *Ethics & International Affairs* 15:45-50 (2001).

"Governmental Illegitimacy and Neo-Colonialism: Response to Review by James Thuo Gathii," *Michigan Law Review* 98:2056-65 (2000).

(with Gregory H. Fox) "Introduction: The Spread of Liberal Democracy and Its Implications for International Law," in Gregory H. Fox and Brad R. Roth, eds., *Democratic Governance and International Law* (Cambridge University Press, 2000), pp. 1-22.

"Democratic Intolerance: Observations on Fox and Nolte," *Harvard International Law Journal*, 37:235-38 (1996), reprinted in Gregory H. Fox & Brad R. Roth, eds., *Democratic Governance and International Law,* (Cambridge University Press, 2000).

Weblog Commentaries::

Whither Democratic Legitimism? Contextualizing Recent Developments in the Recognition and Non-Recognition of Governments," *AJIL Unbound* (Blog of the *American Journal of International Law)* <http://www.asil.org/blogs/whither-democratic-legitimism-contextualizing-recent-developments-recognition-and-non>, Jan. 21, 2015.

"International Law's Enemy Within: Buchan's 'International Community' as Rival to the Positive Legal Order," *EJIL:Talk!* (Blog of the *European Journal of International Law*): <http://www.ejiltalk.org/author/brad-roth/>, Nov. 17, 2014.

"In Defense of a (Relatively) 'Empty' Conception of Self-Determination," Opinio Juris Blog/Leiden Journal of International Law Symposium <opiniojuris.org/2013/11/21/ljil-symposium-defense-relatively-empty-conception-self-determination/>, Nov. 21, 2013.

"Vidmar's Democratic Statehood Thesis in Light of the Yugoslav Dissolution," *EJIL:Talk!* (Blog of the *European Journal of International Law*): <http://www.ejiltalk.org/author/brad-roth/>, Aug. 7, 2013.

"A Commentary on Ozan Varol's 'The Democratic Coup d'Etat,'" Opinio Juris Blog/Harvard International Law Journal Symposium <http://opiniojuris.org/2012/09/27/a-commentary-on-ozan-varols-the-democratic-coup-detat/>, Sept. 27, 2012.

"EJIL: Debate!" on Ken Anderson's "The Rise of International Criminal Law," *EJIL:Talk!* (Blog of the *European Journal of International Law*): <http://www.ejiltalk.org/author/brad-roth/>, May 3 & 27, 2010;
– "*Les extrêmes se touchent*: Anxieties about International Criminal Law from Poles Apart," and
– "The Place of International Criminal Justice within the International Legal Order: A Rejoinder."

"The Honduran Crisis and the Turn to Constitutional Legitimism," *EJIL:Talk!*, (Blog of the *European Journal of International Law*): <http://www.ejiltalk.org/author/brad-roth/>, Sept. 23 & Oct. 5, 2009:
– "Part I: The Place of Domestic Constitutional Orders in the International Legal Framework,"
– "Part II: The Pitfalls of Constitutional Legitimism."

"Sorting Out the Torture Memo Issues," *EJIL:Talk!*, (Blog of the *European Journal of International Law*): <http://www.ejiltalk.org/author/brad-roth/>, Sept. 15 & 19, 2009:
– "Part I: The Devaluation of Non-Penal International Norms."
– "Part II: Deriving Appropriate Frameworks for Establishing Legal Culpability."

Published Conference Proceedings:

The Neglected Virtues of Bright Lines: International Law in the 2014 Ukraine Crises," *ILSA Journal of International & Comparative Law* 21: 317-23 (2015) (ABILA annual meeting panel on Ukraine).

"New Developments in Public International Law: Statehood, Self-Determination and Secession," *National Taiwan University Law Review* 6:639-71 (2011) (Lecture moderated by Prof. Wen-Chen Chang, with commentary by Prof. Szu-Chu Hung).

"Moral Disagreement, Sovereign Authority, and the Limits to Retrospective and Extraterritorial Prosecution," *Proceedings of the American Society of International Law* 103:109-12 (2009).

"Sovereign Equality and 'Bounded Pluralism' in the International Legal Order," *Proceedings of the American Society of International Law* 99:392-95 (2005)..

"Recognition of States and Acknowledgment of International Legal Status: The Case of Taiwan," *Taiwan International Law Quarterly* 1:201-04 (2004).

Transcript of Symposium Participation in "Dueling Fates: Should the International Legal Regime Accept a Collective or an Individual Paradigm to Protect Women's Rights?" (April 2002), *Michigan Journal of International Law* 24:347, 439-48, 455-56, 459-60 (2002).

"Terrorism and the Inherent Right to Self-Defense" (January 2002 Symposium Transcript, "War on Terrorism: Legality of the American Response at Home and Abroad"), *MSU-DCL Journal of International Law* 10:542-51 (2002).

"'Peoples' as Political Communities," *Proceedings of the American Society of International Law*, 93:55-56 (1999).

"Popular Sovereignty: The Elusive Norm," *Proceedings of the American Society of International Law*, 91:363-70 (1997).

Book Reviews:

American Journal of Legal History 49:347-48 (2007), review of Michael Byers, *War Law: Understanding International Law and Armed Conflict* (New York: Grove Press, 2005).

American Political Science Review 95:1029-30 (2001), review of Anthony Clark Arend, *Legal Rules and International Society* (Oxford University Press, 1999).

International Affairs 77:411-12 (2001), review of Susan Marks, *The Riddle of All Constitutions* (Oxford University Press, 2000).