

ADENO ADDIS

W. Ray Forrester Professor of Public and Constitutional Law

Tulane University School of Law

John Giffen Weinmann Hall

6329 Freret Street

New Orleans, LA 70118

U.S.A.

Tel: (504) 865-5813

Fax: (504) 862-8857

E-mail: aaddis@tulane.edu

EDUCATION:

J.S.D., Yale Law School, 1987

LL.M., Yale Law School, 1983

B.A., LL.B. (Hons, First Class), Macquarie University (Australia), 1980

POSITIONS

2001-present, William Ray Forrester Professor of Public and Constitutional Law

2009, Visiting Professor, Chuo University, Tokyo, Japan

2006, Visiting Professor, University of Melbourne, Australia

2004, Visiting Scholar, Center for Comparative Constitutional Studies, University of Melbourne, Australia

1996-2001, Professor, Tulane University School of Law

1998-99, Visiting Professor, Cornell University School of Law

1993-1996, Associate Professor (tenured), Tulane University School of Law

1991, Visiting Associate Professor, Duke University School of Law

1990-1993, Associate Professor, Tulane University School of Law

1989-90, Visiting Associate Professor, Boston University School of Law

1989-90, Associate Professor, Loyola University School of Law, New Orleans

1986-89, Assistant Professor, Loyola University School of Law, New Orleans

1981-82, Tutor, Macquaire University School of Law, Australia

PUBLICATIONS:

ARTICLES, BOOK CHAPTERS, ESSAYS

Constitutions as Autobiographies of Peoples (Nations) (Coming out in 2011 as a chapter in a book commemorating the 60th anniversary of The Institute of Comparative Law in Japan). The Institute invited leading scholars from around the world to contribute to the book.

Community and Jurisdictional Authority, in BEYOND TERRITORIALITY: TRANSNATIONAL LEGAL AUTHORITY IN AN AGE OF GLOBALIZATION (Gunther Handl and Joachim Zekoll eds., forthcoming, 2011).

Targeted Sanctions as a Counterterrorism Strategy, 19 *Tulane Journal of International and Comparative Law* 187 (2010) (symposium).

Authority and Community, 18 *Asia Pacific Law Review* 63 (2010) (faculty edited law review housed at the City University of Hong Kong) (symposium).

Torture as a Counterterrorism Strategy, XLIV *Comparative Law Review* 127 (2010).

Law as a Process of Communication: Reisman Meets Habermas, in LOOKING TO THE FUTURE: ESSAYS IN INTERNATIONAL LAW IN HONOR OF W. MICHAEL REISMAN 33 (Mahnoush H. Arsanjani, Jacob Katz Cogan, Robert D. Sloan & Siegfried Wiessner, eds. 2011).

Identitarian Anxiety and the Nature of Inter-Tribunal Dialogue, 9 *Chicago Journal of International Law* 613 (2009) (with Jonathan Nash) (symposium)

Deliberative Democracy in Severely Fractured Societies, 16 *Indiana Journal of Global Legal Studies* 59 (2009). (symposium)

Imagining the International Community: The Constitutive Dimension of Universal Jurisdiction, 31 *Human Rights Quarterly* 129 (2009).

The Concept of Critical Mass in Legal Discourse 29 *Cardozo Law Review* 97 (2007).

“Informal” Suspension of Normal Processes: The “War on Terror” as an Autoimmunity Crisis, 87 Boston University Law Review 323 (2007) (symposium).

Constitutionalizing Deliberative Democracy in Multilingual Societies, 25 Berkeley Journal of International Law 117(2007).

Review Essay (reviewing Fatsah Ougergouz, *The African Charter on Human and People's Rights* (2003)), 98 American Journal of International Law 879 (2004).

The Kurdish Issue and Beyond: Territorial Communities Rivaling the State, 98 American Society of International Law Proceedings 108 (2004).

The Thin State in Thick Globalism: Sovereignty in the Information Age, 37 Vanderbilt Journal of Transnational Law 1 (2004).

Economic Sanctions and the Problem of Evil, 25 Human Rights Quarterly 573 (2003).

Strangers to the Constitution? Resident Aliens, Military Tribunals and the Laws of war. 37 Valparaiso University Law Review 627 (2003). (The Third Annual Indiana Supreme Court Lecture.)

Cultural Integrity and Political Unity: The Politics of Language in Multilingual States, 33 Arizona State Law Journal 719 (2001) (excerpted in Jeanne M. Woods & Hope Lewis, HUMAN RIGHTS AND THE GLOBAL MARKET: ECONOMIC, SOCIAL AND CULTURAL DIMENSIONS 540-545 (2005).

Looking at Economic Sanctions from the Corner, 95 American Society of International Law Proceedings 23 (2001).

Who's Afraid of Foreigners? The Restriction on Alien Ownership of the Electronic Media, 32 Columbia Human Rights Law Review 133 (2000) (reprinted in 22 Immigration and Nationality Law Review 387 (2001)).

Parochialism and Intercourse: The Question of Language in Multilingual States, 93 American Society of International Law Proceedings 371 (1999).

On Human Diversity and the Limits of Toleration, in NOMOS XXXIX: ETHNICITY AND GROUP RIGHTS (Ian Shapiro and Will Kymlicka eds., 1997).

Role Models and the Politics of Recognition, 144 University of Pennsylvania Law Review 1377 (1996). (excerpted in the 1998 Supplement of the third edition of Geoffrey R. Stone, Louis Seidman, Cass Sunstein and Mark Tushnet, CONSTITUTIONAL LAW.)

Recycling in Hell, 67 Tulane University Law Review 2253 (1993) (symposium).

'Hell Man, They Did Invent Us': The Mass Media, Law, and African Americans, 41 Buffalo Law Review 523 (1993).

In Defense of Crookedness, 1992 University of Illinois Law Review 947 (symposium).

Individualism, Communitarianism, and the Rights of Ethnic Minorities, 67 Notre Dame Law Review 615 (1992). (excerpted in Louis Henkin, Sarah H. Cleveland, Laurence R. Helfer, Gerald L. Neuman, and Diane F. Orentlicher, HUMAN RIGHTS 318-322(Second ed. 2009). The article was also included in the first edition of the book.

On Research on the State, Law, and the Legal Process of Development (With Bereket Selassie & Robert Seidman), in TWENTY-FIRST-CENTURY AFRICA: TOWARDS A NEW VISION OF SUSTAINABLE DEVELOPMENT (Ann Seidman and Frederick Anang eds. 1992).

Adjudication and Institutional Legitimacy, 71 Boston University Law Review 161 (1991) (review essay).

International Propaganda and Developing Countries, 21 Vanderbilt Journal of Transnational Law 491 (1988).

The Empire Strikes Back, 40 University of Florida Law Review 585 (1988) (review essay).

Critical Legal Studies and the Question of Constructive Alternatives, 34 Loyola Law Review 277 (1988).

OTHER PUBLICATIONS

Oh, That Veto Power, TULANE LAWYER 10 (Spring-Summer, 2003).

International Human Rights Regimes: A Brief Introduction (ISCEPC Publication, 1997).

UNPUBLISHED WORKS

International Communications (Teaching Materials, 2001).

The New World Information and Communication Order: The Attempt to Restructure the International Communications Process (1987) (J.S.D. Dissertation, Yale Law School).

Capital and Labour: An Analysis of Australian Immigration Laws and Policies (LL. B. Honors Thesis).

WORKS IN PROGRESS:

Imagining the Homeland from Afar: “We the People” In the Age of the Diaspora.

This is a large project which explores the relationship between diasporas and homelands. I have presented the paper at various universities and departments and is now almost in a final form. Diasporas—understood as groups of individuals or communities who carry an image of a homeland that is separate from the hostland in which they reside—have always been with us. The image of the homeland that diasporas carry could be real (an existing country) or literally imagined (a future country). In whatever way diasporas imagine the homeland, they have often attempted to act as if they were part of “we the people” of the homeland. Diasporas’ interventions in homeland affairs have often been welcomed (or encouraged) by governments of the homeland, but not always. Both when there is a convergence and divergence of interests between diasporas and governments of homelands, the issue that is raised is whether diasporas are “inside the people” although “outside the state”. The article explores how and for what purpose diasporas could be considered to be part of the people of the homeland and when not. This requires a theory of “peoplehood” that this article develops and defends. Using the notion of “community of stakeholders,” the article indicates when and how those who are outside the state and yet inside the people can participate in the life of the homeland. The article also advances and defends the claim that the relationship between diasporas and homelands enables us to find a bridge between the claims of radical cosmopolitans and unreconstructed territorialists, for the version of community that is worked out of the relationship between diasporas and homelands is one that mediates the two aspects of our existence in this globalized world—national attachment and cosmopolitan sentiment. The homeland-diaspora relationship offers a point of departure for understanding how communities are formed and transformed; how legal obligations and allegiances develop and are altered; and generally how a people constitutes itself both within and across territorial boundaries.

Imagining the “People” in a Globalized World (book project). Much of my work is about how communities (peoples) are imagined—be they national or racial minorities, diasporas, regional groupings, and even the international community. The process through which each community is imagined may be different (thus for example universal jurisdiction imagines an international community), but as Benedict Anderson long ago observed all communities are imagined, for members of those communities often never know their fellow-members, meet them or even hear of them. Yet in the minds of each lives the image of their communion. My entire work (including the Diaspora piece) could be understood as an attempt to explore the various ways in which peoples and communities are imagined. To understand communities is, of course, also to understand what is “beyond” or “extra” that requires special justification, for the purpose of imposing duties or recognizing rights and privileges. I published two of the articles that specifically and directly raise the issue of how communities are constituted in *Human Rights Quarterly—Economic Sanctions and the Problem of Evil* and *Imagining the International Community: The Constitutive Dimension of Universal Jurisdiction*.

Constitutions as Autobiographies of Peoples (Nations): Integrity in a World of Fluidity. A short version of this large project will be published as chapter of a book by the Institute of Comparative Law in Japan. Justice Anthony Kennedy of the United Supreme Court

once observed: “We [the people of the United States] have a legal identity, and our self-definition as a nation is bound up with the Constitution.” The project is concerned with the question of what it means to view constitutions as self-definitions of political communities or nations and what the implications are of that conception of political identity in a world of globalization, in a world of overlapping communities and loyalties, and put simply in a world where identities appear to be fluid and changing.

The Concept of “Human Dignity” in a World of Plural Values and Ethical Commitments. The Concept of human dignity plays a central role in legal and political theories. It is also codified in many international and national documents as a central and organizing principle. And yet, the concept’s popularity seems to be inversely related to its clarity. Everyone seems to agree that human dignity is central but not why or how. This project has two purposes. First, it will subject the phrase “human dignity” to critical scrutiny so as to see which or what understanding of the phrase (among many) is philosophically defensible and credible as a matter of practice. Second, it will explore whether and how that understanding of human dignity can play a role in a world of plural values and ethical commitments. The two goals are of course not entirely separate.

Need We Speak with One Voice on Matters of Foreign Affairs? The project uses human rights as an example to explore whether speaking with one voice is always a virtue. This is essentially a sustained critique of court enforced “one voice,” at times with the notion of dormant foreign affairs, at other times with dormant foreign commerce, and frequently with implied statutory preemption (a broad reading of the statute). After exploring the various ways in which federal units or subunits may participate in foreign affairs (framework participation, approved direct participation, direct protest participation, and direct regulatory participation), I focus on the last one which is the one that is viewed as problematic from the point of view of the one voice theory. The project is not only about whether speaking with one voice is always a virtue, but it is also about what it means to speak with one voice in the current world of worldwide and instant communication.

Deliberative Adjudication (with Jonathan Nash.) This article explores whether and how deliberation occurs in the adjudicative process, what goals are pursued through it, and what institutional structures are conducive to the process of deliberation in the realm of adjudication. To put it simply, in the same way that political philosophers explore the role of deliberation in the development and entrenchment of democracy we seek to explore the role of deliberation in the process of adjudication. Deliberative adjudication to us is what deliberative democracy is to political philosophers.

Critical Mass, Tipping Points and Customary International Law. An essay that uses the notions of critical mass and tipping points to explore how customary international law emerges and fades.

SELECTED CONFERENCES,
SPEECHES AND INTERVIEWS:

INTERVIEWS

Interviewed by the Voice of America about press freedom in Ethiopia, 2010.

Gave two interviews to the Voice of America (VOA). The subject was genocide. The interviews, each of which ran for almost half an hour, were broadcast in May and November, 2006.

Was interviewed by German Radio (Deutsche Welle) on international human rights with specific emphasis on ethnic conflicts, April, 2001.

Was interviewed by the Voice of America (VOA) on international human rights, 2000.

Was interviewed by the Associated Press on the Pinochet Case, 1999.

PRESENTATION AT CONFERENCES

Presented a paper at the Second Annual International law conference on the New Haven School of Jurisprudence held at the City University of Hong Kong (November 22-23, 2009). The title of the presentation was “The Concept of Human Dignity in a World of Plural Values and Ethical Commitments.”

Delivered a lecture at the Rapoport Human Rights Center at the University of Texas. The lecture was entitled “Neither Members nor Strangers: Imagining ‘The People’ in the Age of the Diaspora” (March 28, 2010).

Was a respondent to a paper presented at public international law and theory workshop held at Washington University School of Law (St. Louis) (February 5, 2010).

Presented a paper at an international law conference on the New Haven School of Jurisprudence held at the City University of Hong Kong (November 22-23, 2009).

Gave a lecture at Chuo University (Tokyo, Japan). The topic: *Torture as a Counterterrorism Strategy*. Also gave two faculty seminars: on universal jurisdiction and on deliberative democracy in multilingual states. (July 13-August 2).

Was invited as part of a group of experts in the field of international criminal law, human rights, and post-conflict justice to attend an international conference on the topic, *Fighting Impunity and Promoting International Justice*. The conference was organized by Cherif Bassiouni and was held at the Peace Palace, at The Hague. Besides academics, and government officials, the conference also brought together all the presidents of the international courts and tribunals. The conference’s aims were to highlight the need for enhancing post-conflict justice mechanisms with a view towards reducing

impunity and enhancing compliance with international law. The conference was held on June 8, 2009.

Presented a paper at a conference (*Realistic Idealism*) held in April of 2009 in honor of Professor Michael Reisman of Yale Law School. The paper was entitled *Law as a Process of Communication: Reisman Meets Habermas*. The essay will be published as part of a collection of essays honoring Reisman.

Presented a paper, *On Judicial Deliberation* (with Jonathan Nash), at the Workshop on Law, Politics and Human Rights (held at Emory University School of Law), March 20-21, 2009.

Deliberative Democracy in Severely Fractured Societies (presented at a symposium held at Indiana University at Bloomington, April, 2008).

'Informal' Suspension of Normal Processes: The 'War on Terror' as an Autoimmunity Crisis, (presented at a symposium at Boston University School of Law entitled "Extraordinary Power in Ordinary Times", September, 2006).

Was an expert consultant at a human rights conference organized by Northeastern University School of Law (Boston), (June, 2005).

The Kurdish Issue and Beyond: Territorial Communities Rivaling the State. Presentation at the annual meeting of the American Society of International Law, (Washington, D.C., March 30-April 2, 2004).

Economic Sanctions in Defense of Human Rights: Do We Need to Speak with One Voice on Matters of Evil. Presentation at a faculty colloquium at Valparaiso University School of Law, Oct., 2001. This was in connection with my visit to the school to give the Annual Indiana Supreme Court Lecture.

Was invited to, and took part at, a roundtable conference on "*International Law and International Organizations in Situations of Civil War*" organized by Thomas Franck, the then director of the Center for International Studies at New York University School of Law, (February, 2002). The attendees were prominent international legal scholars and diplomats representing a number of countries.

Looking at Economic Sanctions from the Corner. Presentation as part of a panel entitled "Does Method Matter?" at the 95th Annual Meeting of the American Society of International Law. The panel included W. Michael Reisman of Yale Law School, Ann-Marie Slaughter of Harvard Law School at the time, and David Wippman who was then at Cornell. The panel presented and defended various jurisprudential approaches to international law, (April, 2001).

Was a panelist on a panel entitled *Unmasking International Law: Stories and Discourses of Empire, Progress, Exclusion, and Inclusion* at the 94th Annual Meeting of the American Society of International Law, (April, 2000).

Parochialism and Intercourse: The Question of Language in Multilingual States. Presentation at a faculty colloquium, Cornell Law School, (April, 1999).

Parochialism and Intercourse: The Question of Language in Multilingual States. A presentation on a panel entitled “The Rule of Law and the Authority of Culture.” Annual Meeting of the American Society of International Law. (March, 1999).

Scarcity in the Midst of Abundance: Informational Shortage in the Communication Age. Paper presented at the Institute for African Development, Cornell University, (March, 1999).

On Human Diversity and the Limits of Toleration. Paper presented at a symposium on “Ethnicity and Group Rights” organized by the American Society for Political and Legal Philosophy. January, 1995. The presentation was part of a comment on a paper delivered by Chandran Kukathas (*Cultural Toleration*). Michael Walzer was the other commentator on Kukathas’ paper.

In Defense of Crookedness. A paper presented at a symposium on “Race Consciousness and Legal Scholarship.” University of Illinois School of Law, (February, 1992).

Individualism, Communitarianism and the Rights of Ethnic Minorities. Paper presented at a symposium entitled “The Rights of Ethnic Minorities” at Notre Dame Law School, (February, 1991).

Chaired a panel on *State and Law* at the 1990 annual meeting of the African Studies Association in North America

FORMAL LECTURES

Neither Members nor Strangers: Imagining ‘The People’ in the Age of the Diaspora. The Rapoport Human Rights Center at the University of Texas, at Austin, March 28, 2010.

Torture as a Counterterrorism Strategy. Chuo University, Tokyo, Japan, July 24, 2009

Strangers to the Constitution? Resident Aliens, Military Tribunals and the Laws of War. The Third Annual Indiana Supreme Court Lecture. Valparaiso University School of Law, October, 2002.

Sovereignty in the Information Age. The International Law Lecture at St. Thomas University School of Law, Miami, March, 1998.

The Mass Media and African Americans. Address to the entire freshman class (about 700 undergraduates) at Dillard University (New Orleans), October, 1995.

Was the plenary speaker and discussion leader at the AALS Workshop for New Law Teachers, Washington, D.C., June, 1992.

BOARDS AND COMMITTEES:

SELECTED LAW SCHOOL COMMITTEES AND OTHER RESPONSIBILITIES

Director, International and Comparative Law Certificate Program

Chair, Library Director Search Committee, 2007-08

Chair, Academic Affairs Committee, 2003-04

Chair, Promotion and Tenure Committee, 2000-01, 2001-02, 2009-10

Chair, Faculty Appointments Committee, 1997-98

Co-chair, First Amendment Speakers Series 1992-96

LAW SCHOOL JOURNAL ADVISORY BOARD

Faculty Advisor, Tulane Journal of International and Comparative Law

UNIVERSITY COMMITTEES

Member, Provost Search Committee, 2000-01

BOARDS AND COMMITTEES OUTSIDE TULANE UNIVERSITY

Advisory Board Member, Human Rights and the Global Economy (scholarly journal).

Advisory Board Member, Tsehai Publishers (publishes books and scholarly journals).

Editorial Board, *Laws*: Open Access Journal

Senior Fellow, Ethiopian Institute for Nonviolence Education and Peace Studies.

Member, Awards Committee, American Society of International Law, 2005-06. (Members of the Committee are appointed by the President of the Society and are charged to recommend to the Executive Council of the Society three authors of works (books or monographs) in international law that are preeminent contributions to creative scholarship and exhibit high technical craftsmanship.)

Member, Executive Council, American Society of International Law, 2003–06. This is the highest governing body of the Society.

Member, Equivalency Determination Panel of the Louisiana Bar Admission Committee. Appointed by the Supreme Court of Louisiana (2002-2009).

Chair, Committee on the Goler T. Butcher Human Rights Medal, 1998-99. (This is a committee set up by the President of the American Society of International Law to recommend an individual, American or a citizen of another country for the medal.)

Coordinator, Task Force on State and the Legal Order in Africa, 1990-91. (The Task Force was established by the Board of Directors of the African Studies Association in North America to develop research agenda on the role of law in development as well as to develop institutional links between Africanists in North America and African researchers on the field.)

Member, Macquarie University Council, 1980-81. Elected as the student representative on the University Council (the Board of Trustees, the highest governing body of the University).

Member, Executive Board, Macquarie University Faculty Association, 1981-82.

MEMBERSHIPS

American Society of International Law
American Society for Political and Legal Philosophy

COURSES TAUGHT

Communications Law; Constitutional Law; Foreign Affairs & the Constitution; International Communications Law; International Human Rights; Public International Law; Terrorism and Counterterrorism (at the University of Melbourne); Torts.

SEMINARS TAUGHT

Terrorism and Counterterrorism; The Security Council in a Unipolar World; Images of Community: Legal Theory and Legitimacy; International Communications Law

TEACHING PACKAGE FOR 2010-11 ACADEMIC YEAR

Constitutional Law; Foreign Affairs; International Human Rights.

**OTHER AREAS OF TEACHING AND
RESEARCH INTEREST:**

Comparative Constitutional Law; Comparative Law; International Organizations; Jurisprudence;
Torts.