

Thomas F. Burke

Ralph Emerson and Alice Freeman Palmer Professor and Chair of Political Science
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Academic Positions

Chair, Political Science Department, Wellesley College, 2020-
Ralph Emerson and Alice Freeman Palmer Professor of Political Science, 2018-
Professor, Wellesley College, 2010-
Visiting Professor, UC-Berkeley Law School, 2016
Visiting Scholar, Institute of Governmental Studies, UC-Berkeley, 2014-2015
Affiliated Scholar, Center for the Study of Law and Society, UC-Berkeley, 2014-2015
Visiting Professor, Grant Sawyer Center for Justice Studies, University of Nevada-Reno, summer
2014, 2011, 2009
Associate Professor, Wellesley College, 2002-2010
Visiting Scholar, Center for the Study of Law and Society, UC-Berkeley, 2007
Visiting Professor, Harvard University, 2006
Research Fellow, Robert Wood Johnson Scholars in Health Policy Research Program, UC-
Berkeley, 2001-2003
Assistant Professor, Wellesley College, 1996-2002
Research Fellow, The Brookings Institution, 1993-4

Publications

Volumes

Thomas F. Burke and Jeb Barnes, eds., *Varieties of Legal Order: The Politics of Adversarial and Bureaucratic Legalism* (New York: Routledge Press, 2018).

Lief Carter and Thomas F. Burke, *Reason in Law*, 9th edition (Chicago: University of Chicago Press, 2016); 6th, 7th, updated 7th, and 8th editions (New York: Pearson Longman, 2002, 2005, 2007. 2010).

Jeb Barnes and Thomas F. Burke, *How Policy Shapes Politics: Rights, Courts, Litigation and the Battle Over Injury Compensation* (New York: Oxford University Press, 2015).

Lawyers, Lawsuits and Legal Rights: The Struggle Over Litigation in American Society (Berkeley: University of California Press, 2002).

Peer-Reviewed Journal Articles

Jeb Barnes & Thomas F. Burke, "Untangling the Concept of Adversarial Legalism," *Annual Review of Law and Social Science* 16 (2020), 473-487.

Thomas F. Burke & Jeb Barnes, "Layering, Kludgeocracy and Disability Rights," *Social Policy & Society* 17 (2018), 101-116.

Jeb Barnes & Thomas F. Burke, "Making Way: Legal Mobilization, Organizational Response and Wheelchair Access," *Law and Society Review* 46 (2012), 167-198.

Thomas F. Burke & Jeb Barnes, "Is There an Empirical Literature on Rights?" *Studies in Law, Politics and Society* 48 (2009), 69-91.

"Political Regimes and the Future of the First Amendment," *Studies in Law, Politics and Society* 44 (2008), 107-139.

Jeb Barnes & Thomas F. Burke, "The Diffusion of Rights: From Rights on the Books to Organizational Rights Practices," *Law and Society Review* 40 (2006), 493-524.

Law Review Articles

Thomas F. Burke & Lief H. Carter, "The Hand in the Brew: Judges and Their Communities" (review essay on *Making the Case* by Paul W. Kahn and *Common Law Judging* by Douglas E. Edlin) *Tulsa Law Review* 53 (2018) 213-218.

"From the Courthouse to the Chalkboard," (review essay on *From the Closet to the Altar* by Michael J. Klarman) *Tulsa Law Review* 49 (2013): 305-314.

"The Rights Revolution Continues: Why New Rights are Born (and Old Rights Rarely Die)," *University of Connecticut Law Review* 33, no.4 (Summer 2001): 1259-1274.

"The Concept of Corruption in Campaign Finance Law," *Constitutional Commentary* 14, no. 1 (Spring 1997): 127-149.

Book Chapters

Thomas Burke & Jeb Barnes, "The Civil Rights Template and the Americans with Disabilities Act: A Socio-Legal Perspective on the Promise and Limits of Individual Rights," in Lynda Dodd, ed., *The Rights Revolution Revisited: Institutional Perspectives on the Role of Private Enforcement of Civil Rights in the U.S.* (New York: Cambridge University Press, 2018).

Thomas Burke & Nancy Scherer, "The Bush Administration and the Uses of Judicial Politics," in eds. Martin Levin, Daniel DiSalvo & Martin Shapiro, *Building Coalitions, Making Policy: The Politics of the Clinton, Bush and Obama Presidencies* (Baltimore, MD: Johns Hopkins University Press, 2012), 215-246.

"The European Union and the Diffusion of Disability Rights," in eds. Martin Levin and Martin Shapiro, *Transatlantic Policymaking in an Age of Austerity* (Washington D.C: Georgetown University Press, 2004).

“Judicial Implementation of Statutes: Three Stories About Courts and the Americans with Disabilities Act,” in eds. Mark Miller and Jeb Rosenberg, *Making Policy, Making Law: An Interbranch Perspective* (Washington D.C.: Georgetown University Press, 2004), 123-138.

“Corruption Concepts and Federal Campaign Finance Law,” (Revised and updated version of “Concept of Corruption” article) in eds. Arnold Heidenheimer and Michael Johnston, *Political Corruption: A Handbook*, 3rd ed. (New Brunswick: Transaction Press, 2002), 645-664.

"On the Resilience of Rights," in eds. Martin Levin, Marc Landy and Martin Shapiro, *Seeking the Center: Politics and Policymaking at the New Century* (Washington DC: Georgetown University Press, 2001), 172-190.

“The Concept of Corruption in Campaign Finance Law.” (Reprinted journal article.) Frederick G. Slabach, *The Constitution and Campaign Finance Reform: An Anthology* (Durham, North Carolina: Carolina Academic Press, 1998), 201-214.

"The Americans With Disabilities Act: On the Rights Track," in ed. Pietro Nivola, *Comparative Disadvantage? Domestic Social Regulations and the Global Economy* (Washington DC: The Brookings Institution, 1997), 242-318.

Other Publications

Doron Dorfman and Thomas F. Burke, “Thirty Years Later, Still Fighting Over the ADA,” *The Regulatory Review*, December 7, 2020.

Thomas F. Burke & Jeb Barnes, “With the coronavirus, where government stumbles, litigation will step in,” *The Conversation*, May 29, 2020.

Thomas F. Burke & Jeb Barnes, "Republicans Want to Reform Disability Insurance. Here's Why That's Hard." *The Washington Post*, February 17, 2015.

“The *McCutcheon* Decision: Bribery by Another Name? *Cognescenti*, April 17, 2014.

Thomas F. Burke & Jeb Barnes, “Kagan The Explorer” *Judicature* 96 (March/April 2013), 2-4; *RegBlog*, December 13, 2013.

Review of *Crippled Justice: The History of Modern Disability Policy in the Workplace* by Ruth O’Brien, in *Perspectives in Politics* 1:1 (March 2003) 192-3.

Review of *Dying Right: The Death with Dignity Movement* by Daniel Hillyard and John Dombrink, in *Law and Politics Book Review* 12:1 (January 2002) 34-37.

Works in Progress

Hannah Friedman-Bell & Thomas F. Burke, “There’s Nothing Special About Maryland”

Jeb Barnes, Thomas F. Burke, Shauhin Talesh & Nicholas Weller, “How Red Cities Turn Green: Municipal Responses to Climate Change

Sami Habel & Thomas F. Burke, “Names and Narratives in Public Policymaking”

Invited Talks

“There’s Nothing Special About Maryland,” University of Minnesota American Politics Colloquium, April 13, 2022.

“A Law and Society Perspective on Studying Law in Action,” Science and Technology Studies Meets Law and Society Workshop, Drexel University, Philadelphia, Pennsylvania, May 2018.

“The Americans with Disabilities Act as a Litigation Policy,” Keynote Address, *2005-2015: Quel anniversaire pour les personnes handicapées?* (Conference on the 10th Anniversary of the French Anniversary of the French Disability Law), Paris, France, October 2015; Seminar on Human Values, Ecole des Hautes Etudes en Sciences Sociales (School for Advanced Study in the Social Sciences), Paris, France, October 2015

“How Policy Shapes Politics,” with Jeb Barnes, Center for the Study of Law and Society Visiting Scholar Series, UC-Berkeley, September 2015; Research Workshop on American Politics, Political Science Department, UC-Berkeley, Berkeley, California, February 2015

“Making Way: Legal Mobilization, Organizational Response, and Wheelchair Access” with Jeb Barnes, American Bar Foundation Conference on Bias and Law, Chicago, Illinois, May 2014

“How Policy Shapes Politics: Intercurrence, Adversarial Legal Regimes and the Politics of Injury Compensation,” with Jeb Barnes, Boston Area Research Workshop on History, Institutions and Politics, Cambridge, Mass., February 2011

“Political Regimes and the Future of the First Amendment,” Constitutional Law Schmooze, Princeton University, Princeton, New Jersey, December 2009

“How Adversarial Legalism Affects American Politics, A Preliminary Inquiry,” with Jeb Barnes, Conference in Honor of Robert Kagan, Center for the Study of Law and Society, UC-Berkeley, Berkeley, California, September 2008

“The Path of the Law: The Mobilization and Diffusion of Disability Access Rules,” Robert Wood Johnson Scholars in Health Policy Seminar, Berkeley California, October 2007; Bag Lunch Speaker Series, Center for the Study of Law and Society, Berkeley California, October 2007

“Three Politics of Injury,” American Politics Seminar, Brigham Young University, Provo, Utah, March 2006

“The Bush Administration and the Uses of Judicial Politics,” Gordon Center for Public Policy Seminar, Brandeis University, April 2006

“Rights Abounding: The Global Diffusion of Disability Rights,” Comparative Politics of Public Policy Seminar, Brandeis University, Boston, Massachusetts, December 2001

“On the Birth and Death of Rights: The Case of the ADA Entitlement,” Symposium on Social Security: Privatization and Reform, University of Connecticut Insurance Law Center, Hartford, Connecticut, April 2001.

“The Rights Revolution Continues,” Symposium on Regulation by Litigation, University of Connecticut Law School, Hartford, Connecticut, March 2001

"Regulation by Litigation," Seminar on Regulation, Kennedy School of Public Policy, Harvard University, Boston, Massachusetts, December 2000

"On the Resilience of Rights," Political Science Department, University of California-Berkeley, November 2000; and U.S. Politics Workshop, Harvard University Government Department, Cambridge, Massachusetts, May 1998.

"Rights Reconsidered," New Politics of Public Policy Conference, Boston College, Boston, Massachusetts, November 1997

"Causes and Consequences of the Turn to Rights in Disability Policy," University of Massachusetts-Amherst Political Science Department Seminar, Amherst, Massachusetts, November 1997

"Assessing the Power of 'Rights Talk,'" New Politics of Public Policy Seminar, Brandeis University, Waltham, Massachusetts, March 1997

"Litigation and Social Change: The Case of Disability Rights," Northeastern Political Science Association, Boston, Massachusetts, November 1996, and the Harvard Seminar on Courts, Cambridge, Massachusetts, February 1997

"The Americans With Disabilities Act," Brookings Institution Conference on Social Policy, Washington, D.C., January 1996

"What Makes America Sue? The Case of No-Fault Auto Insurance," Research in Progress Seminar, Brookings Institution, Washington DC, December 1993

"Legalism and American Politics," UC-Berkeley Summer Institute for Social Science Theory, July 1992

"Toasters, Television and Regulatory Theory: The Politics of the Fairness Doctrine," Institute of Governmental Studies Seminar, March 1991

Education

Ph.D., Department of Political Science, University of California, Berkeley, 1996 (Dissertation Committee: Robert A. Kagan, Nelson Polsby, Martin Shapiro, Hanna Pitkin)

M.A., Department of Political Science, University of California, Berkeley, 1991

B.A., *summa cum laude*, School of Journalism and Mass Communication, University of Minnesota, Minneapolis, 1988

Honors and Awards

Edwin S. Corwin Award, best dissertation in the subfield of public law, American Political Science Association, 1996-97

Best Dissertation, Western Political Science Association, 1996

Faculty Research Award, Wellesley College, 1996, 1998, 1999, 2000, 2001, 2005, 2006, 2009

Outstanding Graduate Student Instructor, UC-Berkeley, 1991

Phi Beta Kappa, 1987

Professional Service

Editorial Board, *Law and Social Inquiry*, 2020-2023

Elected Trustee, Law and Society Association, 2014-2016

Budget and Finance Committee, Law and Society Association, 2016

Bingham Committee for Excellence in Teaching, Transylvania University, 2013-2018

Best Article Prize Committee, Law and Society Association, 2015

Program Committee, Law and Society Association 2014 Annual Meeting

Reviewer, University of Kansas Press, Cambridge University Press, Oxford University Press, Cornell University Press, Routledge Press, University of Virginia Press, *American Political Science Review*, *Journal of Politics*, *Law and Society Review*, *Law and Social Inquiry*

Instructor, Graduate Student Workshop, Law and Society Association Annual Conference, Denver, Colorado, May 2009

Co-Director, Boston Public Law Colloquium, 2008-2014

Mentor, Miller Center Fellowship Program, Miller Center of Public Affairs, University of Virginia, 2008-2009

Editorial Board, *Law and Society Review*, 2003-2006; *Law and Social Inquiry*, 2001-2004