

**CURRENT POSITION**

Sidney and Margaret Ancker Distinguished Professor for the Humanities  
Department of Rhetoric and Department of Classics  
Director, Berkeley War Crimes Studies Center  
University of California, Berkeley

Director, Asian International Justice Initiative  
Senior Fellow in International Law  
East-West Center, Honolulu

**EDUCATION**

1969        B.A.    Occidental College (Political Science)  
1972        J.D.     UCLA School of Law  
1981        Ph.D.    University of Cambridge (Classics/Ancient History)

**ACADEMIC CAREER**

1979        Assistant Professor, Department of Rhetoric, UC Berkeley  
1979        Dana Fellow in Comparative Law, School of Law, UCLA  
1982        Associate Professor, Department of Rhetoric, UC Berkeley  
1983        Visiting Professor, University of Frankfurt and Max Planck Institute for European  
                 Legal History, Frankfurt  
1987        Visiting Fellow, Max Planck Institute for European Legal History, Frankfurt, and  
                 Leopold Wenger Institute for Ancient Legal History, Munich  
1988        Professor, Department of Rhetoric, UC Berkeley  
1991        Visiting Professor, Law School and Department of History, University of Chicago  
1992        Visiting Professor, Law School, University of Chicago  
1992        Professor, Department of Classics, UC Berkeley  
1996        Visiting Professor, Law School and Department of History, University of Chicago  
1997-98    Professor of Law and Social Thought, University of Chicago  
1998-2002   Chancellor's Professor, Rhetoric and Classics, UC Berkeley  
1999-2004   Director, International Documentation Center for War Crimes Trials, Frankfurt  
                 (Co-Director Dieter Simon)  
1999-2006   Adjunct Fellow, East West Center, Honolulu  
1999-        Director, Berkeley War Crimes Studies Center  
2003        International Advisory Board JSMP, East Timor  
2004-        Sidney and Margaret Ancker Distinguished Professor for the Humanities  
2006-        Director, Asian International Justice Initiative, East-West Center  
2006-        Adjunct Senior Fellow in International Law, East-West Center  
2006- 2008   Expert Advisor to the Commission on Truth and Friendship for Indonesia and

Timor Leste  
 2008 Visiting Professor, University of Hawaii School of Law  
 2009- Fellow, Hoover Institution, Stanford University (from September 1, 2009)

### ACADEMIC HONORS, ACTIVITIES, AND FELLOWSHIPS

1967-69 Occidental College Scholar  
 1969-70 Florence Virginia Wilson Honorary Scholarship, School of Law, UCLA  
 1970-71 Law Review, UCLA  
 1973-74 National Endowment for the Humanities Humanists Fellowship  
 1975-76 Regents Fellowship, University of California  
 1978-79 American Council of Learned Societies Research Fellowship  
 1979 National Endowment for the Humanities Summer Fellowship for Law Teachers  
 1979-80 Dana Fellowship in International and Comparative Law  
 1980 American Bar Foundation Legal History Fellowship  
 1983 Gerda Henkel Stiftung Fellowship  
 1987 Alexander von Humboldt Stiftung Senior Research Fellowship  
 1987 American Bar Foundation Legal History Fellowship  
 1993-94 Guggenheim Foundation Fellowship  
 1994 University of California President's Fellowship in the Humanities  
 1994 American Council of Learned Societies Research Fellowship  
 1996 Director, NEH Summer Seminar for College Teachers  
 1997 Historical Research Prize, Historisches Kolleg, Munich  
 1998 Fellow, Historisches Kolleg, Munich  
 1998-2007 Member, Scientific Advisory Board (*Wissenschaftliches Beirat*) Max Planck  
 Institute for Legal History, Frankfurt  
 1999 Co-Director, NEH Summer Seminar for College Teachers  
 2001 Research Fellowship, East West Center  
 2002 Co-Director, NEH Summer Seminar for College Teachers  
 2004 UC Berkeley Undergraduate Mentorship Award  
 2005- 06 Humanities Research Fellowship, UC Berkeley  
 2007 Honorary Doctorate in Law (*Doctor Honoris Causa*), University of Zurich

### PUBLICATIONS

#### **Books and Monographs:**

**The Athenian Law of Theft**, C.H. Beck Verlag, Munich, Muenchner Beitræge zur  
 Rechtsgeschichte, 1983.

**Law, Society and Sexuality: The Enforcement of Morals at Classical Athens**, Cambridge  
 University Press, 1991. (Greek translation, Athens 1999).

**David Daube: Collected Studies in Roman Law** (2 vols, edited by D. Cohen and D. Simon), Klostermann, 1991.

**Law, Violence, and Community in Classical Athens**, Cambridge University Press 1995.

**Law, Democracy, and Social Control** (D. Cohen, ed.), Oldenbourg Verlag, 2002.

**Intended to Fail: Trials before the Ad Hoc Human Rights Court in Jakarta** (International Center for Transitional Justice **Special Reports** 2004), Translated into Bahasa Indonesia 2005.

**Cambridge Companion to Greek Law** (co-editor Michael Gagarin, Cambridge University Press 2005)

**Indifference and Accountability: The United Nations and the Politics of International Justice in East Timor** ( East-West Center **Special Reports** 2006)

**The Legacy of the Serious Crimes Trials in East Timor** ( to appear, International Center for Transitional Justice, **Special Reports** 2009)

**Seeking Truth and Accountability: Report of the Expert Advisor to the Commission on Truth and Friendship for Indonesia and Timor-Leste** (co-authors Leigh-Ashley Lipscomb and Aviva Nababan; 2008 Commission on Truth and Friendship; Bahasa Indonesia translation to appear, ELSAM 2009)

**Seeking Truth and Accountability Part II: Addendum to the Report of the Expert Advisor to the Commission on Truth and Friendship for Indonesia and Timor-Leste** (co-author Leigh-Ashley Lipscomb; 2008 Commission on Truth and Friendship, Bahasa Indonesia translation to appear, ELSAM 2009)

In Progress:

**Twisted Paths of Justice: The Politics and Jurisprudence of the World War II War Crimes Trials**, under contract to Cambridge University Press

**A War Crimes Reader**, under contract to Zone Books

### **Articles on War Crimes Trials, Transitional Justice, and International Humanitarian Law**

"The Legacy of Nuremberg," *Rechtshistorisches Journal* (1995), 531-49.

"Beyond Nuremberg: Individual Responsibility for War Crimes," in C. Hesse and R. Post, eds., **Human Rights in Transition**, Zone Press (1999), 53-92.

"Bureaucratic Responsibility in the World War II War Crimes Trials," *Rechtshistorisches Journal* (1999) 313-42.

"Öffentliche Erinnerung und Kriegsverbrecherprozesse in Asien und Europa", in Klinkhammer and Schwentker, eds., **Diktatur, Krieg, und Erinnerung in Deutschland, Italien, und Japan** (Fisher Verlag 2004)

"The Rhetoric of Transitional Justice: Strategies of Reconciliation and Revenge in the Restoration of the Athenian Democracy in 403 B.C.", *Annales Europeen de Sociologie* 62 (2001)

"Historiography, War, and War Crimes; The Representation of War Crimes", *Rechtshistorisches Journal* (2000) 1-19

"Transitional Justice in Divided Germany after 1945", J. Elster, ed., **Transitional Justice** (Cambridge University Press 2006).

"Seeking Justice on the Cheap: Is the East Timor Tribunal Really a Model for the Future?" (**Asia-Pacific Issues**, East-West Center, September 2002)

"Nuremberg's Legacy: Models of Command Responsibility", **Guerra ai Civili**, (Il Mulino 2005)

"Indonesia After the Tsunami", co-authors Aviva Nababan and Agung Widjaya, in **After the Tsunami: Human Rights and Vulnerable Populations** (East-West Center 2005)

Military Justice from WWII to Guantanamo: Fair Trials, Judicial Murder, and International Standards in WWII Crimes Trials in Asia", in R. Kiesow, et. al, eds., **Summa: Festschrift fuer Dieter Simon** (Klostermann 2005)

"Strategies of Excuse and Justification in WWII War Crimes Trials in Asia". J. Elster, ed., **Defenses and Excuses in War Crimes Trials in WWII** (Norwegian Academy 2009)

"The East Timor Trials: Perspectives and Challenges for the Indonesian Human Rights Courts", co-author Agung Widaryanata, to appear in, ed., M. Cammack, **Indonesian Law and Judicial Reform** (Asian Law Center, Univ. of Washington)

"War, Genocide, and Accountability", to appear in **Comparative Genocide Studies** 2009

"The Jurisprudential Legacy of the International Criminal Tribunal for the Former Yugoslavia" (United Nations Development Program 2006 )

"Justice on the Cheap Revisited", **Asia-Pacific Issues**, East-West Center 2006

"Hybrid Tribunals : Prospects and Challenges", University of Marburg 2007

"War Crimes", **International Encyclopedia of the Social Sciences** (2007)

“The Jurisprudence of the ICTY and ICTR”, Gutman and Rieff, eds., **Crimes of War**, to appear 2009.

“Hybrid’ Justice in East Timor, Sierra Leone, and Cambodia: ‘Lessons Learned’ and Prospects for the Future”, **Stanford Journal of International Law** 2007

“International Law and Command Responsibility in the Adam Damiri Case at the Indonesia Ad Hoc Human Rights Court”, (in Bahasa Indonesia), ELSAM 2007

“Hybrid” Tribunals and the Limits of Accountability: Aims, Resources, and Political Will”, to appear in Bergson and Elster, eds., **Transitional Justice, Truth Commissions and International Tribunals** (to appear 2009)

### **Articles on Legal History and Classics:**

"Suibhne Geilt," *Celtica* 12 (1976), 113-124.

"The Imagery of Sophocles: A Study of Ajax's Suicide," *Greece and Rome* 25 (1978), 24-36.

"Verbal Patterns in the Prometheus Bound," *Classical Journal* 74 (1978), 26-33 (with Dr. Eva Inoue).

"Oaths and Treaties: Horkia and Horkos in the Iliad," *Revue Internationale des Droits de l'Antiquité* 27 (1980), 46-68.

"Theft in Plato's Laws and Athenian Legal Practice," *Revue Internationale des Droits de l'Antiquité* 29 (1982), 121-143.

"Justice, Interest, and Political Deliberation in Thucydides," *Rechtshistorisches Journal* 2 (1983), 243-265, and *Quaderni Urbinati* (1984) 35-60.

"The Battle of the Atlantic," *Rechtshistorisches Journal* (1983), 33-36.

"The Athenian Law of Adultery," *Revue Internationale des Droits de l'Antiquité* 31 (1984), 147-165.

"The Enforcement of Morals in Classical Athens and Seventeenth Century England," *Rechtshistorisches Journal* (1984), 114-129.

"A Note on Aristophanes and the Punishment of Adultery in Athenian Law," *Zeitschrift der Savigny Stiftung* (1985), 385-387.

"The Trial of Jesus from the Perspective of Roman Law," Part II (Part I by Dr. Christoph Paulus), *Zeitschrift der Savigny Stiftung* (1985), 437-452.

"The Theodicy of Aeschylus: Justice and Tyranny in the Oresteia," *Greece and Rome* (1986), 129-141; reprinted in **Greek Tragedy** (Greece and Rome Studies, vol. 2, 1993).

"Necessity and Notstand, A Comparative Critique," *Rechtshistorisches Journal* (1985), 215-234.

"The Prosecution of Impiety in Athenian Law," *Zeitschrift der Savigny Stiftung* (1988), 695-701, and in *Symposion 1985* (Munich 1989), 99-108.

"Law, Society, and Homosexuality in Classical Athens," *Past and Present* (1987), 1-21.

"What is Rechtsgeschichte?" *Rechtshistorisches Journal* (1986), 23-33.

"The Legal Status and Political Role of Women in Plato's Laws," *Revue Internationale des Droits de l'Antiquité* (1987), 27-40.

"Separation, Seclusion, and the Status of Women in Classical Athens," *Greece and Rome* (1988), 1-13; reprinted in **Women in Antiquity** (Greece and Rome Studies, vol. 3; 1993).

"Adultery and Its Social Context in Classical Athens," Chapter 7 of **Nomos: Essays in Athenian Law, Politics, and Society**, Cartledge, Millett, Todd, eds., Cambridge University Press (1990), 147-166.

"Problems, Methods, and Models in the Study of Greek Law," *Zeitschrift der Savigny Stiftung* (1989), 81-105.

"Late Sources and the 'Reconstruction' of Greek Legal Institutions," *Symposion 1988* Bihlau Verla (1989), 283-293.

"The Church Courts and the Enforcement of Morals: Public Order in 17th Century England," *Ius Commune* (1991), 17-35.

"Sexuality, Violence, and the Athenian Law of Hubris," *Greece and Rome* (1991), 171-188.

"The Augustan Law on Adultery: The Social and Cultural Context," Chapter 6 of **The Family in Italy from Antiquity to the Present**, Saller and Kertzer, eds., Yale University Press (1991), 109-126.

"David Daube and Contemporary Legal History," in **Essays in Honor of David Daube**, C. Carmichael, ed., Oxford University Press (1993).

"New Legal History?" *Rechtshistorisches Journal* (1991), 7-39.

"Debate: Law, Society, and Homosexuality in Classical Athens," ("Comment" by C. Hindley and "Reply" by D. Cohen) *Past and Present* (1991), 184-194.

"The Courts and the Resolution of Disputes in Classical Athens," *Symposion 1988* Bihlau Verla (1991).

"Punishment, Welfare, and Delinquency: Perspectives on the Emergence of the Modern State," *Ius Commune* (1990), 359-366.

"Honor, Feud, and Litigation in Classical Athens," *Zeitschrift der Savigny Stiftung* (1992), 100-115.

"Sex, Gender, and Sexuality in Ancient Greece," *Classical Philology* (1992), 145-160.

"Foucault on Sexuality in Greco-Roman Antiquity," in **Foucault and the Writing of History**, Blackwell (1994), 35-60 (with Richard Saller).

"Law, Autonomy, and Political Community in Plato's Laws," *Classical Philology* (1993), 301-317.

"Consent and Sexual Relations in Classical Athens," in **Consent and Coercion in Sex and Marriage in Ancient and Medieval Societies** (Dumbarton Oaks, 1993), 1-16.

"Rhetoric, Morals, and the Rule of Law in Classical Athens," *Zeitschrift der Savigny Stiftung* (1993), 1-21.

"Classical Rhetoric and Modern Rhetorical Theory," in **Persuasion: Greek Rhetoric in Action**, Routledge (1994), 69-84.

"The Rule of Law and Political Ideology in Classical Athens," in **Die Athenische Demokratie Krise oder Vollendung**, Berlin (1993).

"Greco-Roman Sexuality," **The Encyclopedia of Social History** (1993).

"Crime, Prosecution, and Punishment in Early Modern England," *Ius Commune* (1993), 267-279.

"Democracy and Individual Rights in Athens," *Zeitschrift der Savigny Stiftung* (1997).

"Common Law on the Couch," *Rechtshistorisches Journal* (1998), 18-25.

"Law, Property and Gender in Demosthenes 47," *Dike* (1999) 53-61.

"Die Schwester der Medea," in *Jahrbuch des Historischen Kollegs* (1999), 77-97.

"Honourable Sexuality," in R. Nye, ed., **Sexuality**, 29-31 (excerpted from *Law, Sexuality and Society*).

"Power and Equality in Athenian Litigation", G. Dux and F. Welz, eds., **Moral und Recht im Diskurs der Moderne** (2002) 131-57

"Writing, Law, and Legal Practice in the Athenian Courts", in H. Yunis, ed., **Writing, Oral Performance, and Literacy in Ancient Greece** (2002)

“Greek Oratory”, S. Bartsch and T. Sloane, eds., **The Oxford Encyclopedia of Rhetoric** (7000 words) 2001

"Women in Public: Citizenship, Gender, and Civic Religion in Classical Athens", **Symposion 2001** (Austrian Academy 2005).

“Oratory and Political Deliberation”, **Classical Rhetoric** (2004).

“Theories of Punishment”, in Cohen and Gagarin, eds., **Cambridge Companion to Greek Law** (2005)

“Crime, Punishment, and Criminal Law”, in Cohen and Gagarin, eds., **Cambridge Companion to Greek Law** (2005)

“Introduction: Greek Law Scholarship and Methodologies”, in Cohen and Gagarin, eds., **Cambridge Companion to Greek Law** (2005).

“War, Justice, and Revenge in Thucydides”, *Journal of Military Ethics* (2007).

#### Reviews:

**Law and Religion**, Z. Falk, *Journal of Law and Religion* (1986).

**The Rise of the Roman Jurists**, B. Frier, *Classical Philology* (1987).

**Die Sogennante Polis**, W. Gawantka, *Zeitschrift der Savigny Stiftung* (1987).

**Crime in Early Modern England**, J. Sharpe, *Ius Commune* (1988).

**Law, Sex, and Christian Society in Medieval Europe**, J. Brundage, *American Journal of Comparative Law* (1989).

**Disputes and Democracy**, S. Johnstone, *American Journal of Legal History* (2002)

**The Athenian Woman**, S. Lewis, *Classical Review* (2005).

**A Century of Genocide**, Eric Weitz. *Journal of World History* (2005)