

Resumé of
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PERSONAL

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EDUCATION

B.A., 1965, Williams College
Major: Philosophy
Honors: Magna Cum Laude, Phi Beta Kappa, Highest Honors in
Philosophy, Canby Athletic Award, Lehman Scholar

LL.B., 1968, Yale University
Honors: Order of the Coif
Director: Yale Public Defender Association

BAR ADMISSION

California, 1969

CAREER

1968–1970, Research Attorney, California Court of Appeal, Los Angeles

1970–1972, Assistant Professor of Law, University of San Diego

1972–1975, Associate Professor of Law, University of San Diego

1975–1995, Professor of Law, University of San Diego

1989 (Spring), Visiting Professor, University of California, San Diego,
Department of Philosophy (Philosophy of Law)

1995– present, Warren Distinguished Professor of Law, University of San Diego

1995 (Fall), Visiting Professor, University of Pennsylvania Law School

2009 (Spring), Joseph D. Jamail Distinguished Visiting Professor, University of Texas at
Austin, School of Law

2010 (December), Visiting Professor, Hebrew University Faculty of Law

WRITINGS AND SCHOLARLY ACTIVITIES

Books

Crime and Culpability: A Theory of Criminal Law (with Kimberly Ferzan and Stephen
Morse) (Cambridge University Press, 2009).

Demystifying Legal Reasoning (with Emily Sherwin) (Cambridge University Press, 2008).

Is There a Right of Freedom of Expression?, (Cambridge University Press, 2005).

The Rule of Rules: Rules, Principles, and the Dilemmas of Law (with Emily Sherwin)
(Duke University Press, 2001).

Freedom of Speech (Ashgate/Dartmouth Pub. Co., 2000).

Legal Rules and Legal Reasoning (Ashgate/Dartmouth Pub. Co., 2000).

Constitutionalism: Philosophical Foundations (Cambridge University Press, 1998).

Contract Law (Dartmouth Pub. Co., 1991).

Whom Does the Constitution Command? (with Paul Horton) (Greenwood Press, 1988).

Articles and Review Essays

- “Race Matters” (with Schwarzschild) (forthcoming in *Constitutional Commentary*, 2014).
- “What Are Principles, and Do They Exist?” (forthcoming, 2014).
- “Recipe for a Theory of Self-Defense: The Ingredients and Some Cooking Suggestions” (forthcoming, 2014).
- “The Objectivity of Morality, Rules, and Law: A Conceptual Map” (forthcoming in *Alabama Law Review*, 2013).
- “Originalism, the Why and the What” (forthcoming in *Fordham Law Review*, 2013).
- “The Means Principle” (forthcoming in *Criminal Law & Philosophy*, 2014).
- “The Ontology of Consent” (forthcoming in *Analytic Philosophy* 2013).
- “Other People’s Errors” (forthcoming in *Ethical Theory and Moral Practice*, 2013).
- “Yaffe on Attempts” (forthcoming in *Legal Theory*, 2013).
- “Disparate Impact: Fairness or Efficiency” (forthcoming, *50 San Diego L. Rev.*, 2013).
- “Is Freedom of Expression a Universal Right?” (forthcoming, *San Diego L. Rev.*, 2013).
- “Did *Casey* Strikeout? Following and Overruling Constitutional Precedents in the Supreme Court” (forthcoming, 2013).
- “Confused Culpability, Contrived Causation, and the Collapse of Tort Theory” (with Ferzan) (forthcoming in J. Oberdiek, ed., *Philosophical Foundations of the Law of Torts*, 2013).
- “Causing the Conditions of One’s Defense: A Theoretical Non-Problem” (forthcoming in *Criminal Law & Philosophy*, 2013).
- “Can Self-Defense Justify Punishment?,” *32 Law & Philosophy* 159 (2013).
- “You Got What You Deserved,” *7 Criminal Law & Philosophy* 309 (2013).
- “Redish on Freedom of Speech,” *107 Northwestern Univ. Law Review* 593 (2013).
- “Freedom of Expression,” in *Encyclopedia of Modern Political Thought* (G. Claeys & L.T. Sargent, eds., forthcoming, 2013).
- “Voluntary Enslavement,” in C. Coons and M. Weber, eds., *Paternalism: Theory and Practice* (2013).

- “Fletcher on the Fault of Not Knowing” (with Ferzan), in R. Christopher, ed., Essays on Criminal Law, Oxford Univ. Press (2013).
- “Ferzander’s Surrebuttal” (with Ferzan), 6 *Criminal Law & Philosophy* 463 (2012).
- “Self-Defense,” in A. Marmor, ed., The Routledge Companion to the Philosophy of Law (2012).
- “Danger: The Ethics of Preemptive Action” (with Ferzan), 9 *Ohio State J. of Criminal Law* 637 (2012).
- “The Method of Text and? Jack Balkin’s Originalism with No Regrets,” 2012 *Illinois Law Review* 611.
- “Risk and Inchoate Crimes: Retribution or Prevention?” (with Ferzan), in G. R. Sullivan et al., eds., Seeking Security: Pre-empting the Commission of Criminal Harms (2012).
- “Reply to Dolinko” (with Ferzan), 6 *Criminal Law & Philosophy* 281 (2012).
- “Precedential Constraint, Its Scope and Strength: A Brief Survey of the Possibilities and Their Merits,” in T. Bustamante et al, eds., On the Philosophy of Precedent, (2012).
- “Legal Objectivity and the Illusion of Legal Principles,” in M. Klatt, Institutionalized Reason: The Jurisprudence of Robert Alexy (Oxford Univ. Press, 2012).
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- “‘Moore or Less’ *Causation and Responsibility*” (with Ferzan), 6 *Criminal Law & Philosophy* 81 (2012).
- “Freedom of Expression,” in Encyclopedia of Applied Ethics, 2d ed., Vol. 2 (R. Chadwick, ed., 2012).
- “Michael Moore and the Mysteries of Causation in the Law,” 42 *Rutgers L. J.* 301 (2011).
- “Constitutionalism,” in Encyclopedia of Jurisprudence (D. Reidy, ed., 2011)
- “There Is No First Amendment Overbreadth (But There Are Vague First Amendment Doctrines); Prior Restraints Aren’t “Prior”; and “As Applied” Challenges Seek Judicial Statutory Amendments,” 27 *Constitutional Commentary* 429 (2011).
- “Simple-Minded Originalism,” in The Challenge of Originalism: Essays in constitutional theory, G. Huscroft & B.W. Miller, eds. (2011).

- “Deontological Constraints in a Consequentialist World: A Comment on *Law, Economics, and Morality*,” 3 *Jerusalem Review of Legal Studies* 75 (2011).
- “Criminal and Moral Responsibility and the Libet Experiments,” in *Conscious Will and Responsibility*, W. Sinnott-Armstrong and L. Nadel, eds. (2011).
- “Duff on Attempts,” in *Crime, Punishment, and Responsibility: The Jurisprudence of Antony Duff*, R. Cruft, M. Krause, and M. Reiff, eds., (2011).
- “Culpability,” in *The Oxford Handbook on the Philosophy of Criminal Law* (J. Deigh & D. Dolinko, eds. 2011).
- “Beyond the Special Part” (with Ferzan), in *Philosophical Foundations of Criminal Law*, A. Duff and S. Green, eds. (2011).
- “Response to Professor Kent Greenawalt’s Lecture,” 47 *San Diego L. Rev.* 1153 (2010).
- “Plastic Trees and Gladiators: Liberalism and Aesthetic Regulation,” 16 *Legal Theory* 77 (2010).
- “Response to Critics” (with Ferzan), in 29 *Law & Phil.* 483 (2010).
- “Telepathic Law,” 27 *Constitutional Commentary* 139 (2010).
- “What Are Constitutions, and What Should (and Can) They Do?,” 28 *Soc. Phil. & Pol’y* 1 (2010).
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- “Facts, Law, Exculpation, and Inculcation: Comments on Simons,” 3 *Crim. L. & Phil.* 241 (2009).
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- “Constitutionalism and Democracy: Understanding the Relation,” in *The Supreme Court and the Idea of Constitutionalism* (S. Kautz, A. Melzer, J. Weinberg & M. R. Zinman, eds., Univ. of Pennsylvania Press, 2009).
- “Constitutionalism,” in *Contemporary Debates in Political Philosophy* (T. Christiano & J. Christman, eds., 2009).
- “Of Living Trees and Dead Hands: The Interpretation of Constitutions and Constitutional Rights,” 22 *Canadian J. of L. & Jurisprudence* 227 (2009).

- “Kent Greenawalt and the Difficulty (Impossibility?) of Religion Clause Theory,”
25 *Const. Comment.* 243 (2009).
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Law on Acceptance” (with Schauer), in The Rule of Recognition and the U.S.
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Criminal Law Conversations (Oxford U. Press, 2009).
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in Expounding the Constitution (G. Huscroft, ed., Cambridge Univ. Press, 2008).
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“Reports of the Delegation Doctrine’s Death Are Greatly Exaggerated” (with Saikrishna Prakash), 70 U. Chi. L. Rev. 1297 (2003).

“Introduction to the Conference on Legal Transitions,” 13 J. Contemp. Legal Issues 1 (2003).

- "Freedom of Expression as a Human Right," in Protecting Human Rights (T. Campbell, J. Goldsworthy & A. Stone, eds., 2003).
- "Deception in Morality and Law" (with Emily Sherwin), 22 *Law & Phil.* 393 (2003).
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- “Subversive Thoughts on Freedom and the Common Good” (with Maimon Schwarzschild), 97 Mich. L. Rev. 813 (1999).
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- “Can the Law Survive the Asymmetry of Authority?,” in Rules and Reasoning 39 (L. Meyer, ed., 1999), reprinted in 19 Quinnipiac L. Rev. 463 (2000).
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- “Good God, Garvey: The Inevitability and Impossibility of a Religious Justification of Free Exercise Exemptions,” 47 Drake L. Rev. 35 (1998).
- “Affirmative Action and Legislative Purpose” 107 Yale L.J. 2679 (1998).
- “Constitutional Tragedies and Giving Refuge to the Devil,” in Constitutional Stupidities, Constitutional Tragedies (W. Eskridge & S. Levinson, eds., 1998).
- “The Banality of Legal Reasoning,” 73 Notre Dame L. Rev. 517 (1998).
- “Banishing the Bogey of Incommensurability,” 146 U. Pa. L. Rev. 1641 (1998).
- “Are Procedural Rights Derivative Substantive Rights?,” 17 Law & Phil. 19 (1998).
- “Discrimination by Proxy” (with Kevin Cole), 14 Const. Comment. 453 (1997).
- “Replies to Our Critics” (with Ken Kress), 82 Iowa L. Rev. 923 (1997).

- "Mens Rea and Inchoate Crimes" (with Kim Kessler), 87 J. Crim. L. & Criminology 1138 (1997).
- "Freedom of Speech," in Encyclopedia of Applied Ethics (R. Chadwick, ed., 1997).
- "Is Morality Like the Tax Code?," 95 Mich. L. Rev. 1839 (1997).
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- "Sometimes Better Boring and Correct: Romer as an Exercise of Ordinary Equal Protection Analysis," 68 U. Colo. L. Rev. 335 (1997).
- "Still Lost in the Political Thicket (or Why I Don't Understand the Concept of Vote Dilution)," 50 V and. L. Rev. 327 (1997).
- "Bad Beginnings," 145 U. Pa. L. Rev. 57 (1997).
- "Incomplete Theorizing," 72 Notre Dame L. Rev. 531 (1997).
- "The Supreme Court, Dr. Jekyll, and the Due Process of Proof," 1996 Sup. Ct. Rev. 191.
- "Are Smith and Hialeah Reconcilable?," 13 Const. Comment. 285 (1996).
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- "Precedent" in A Companion to the Philosophy of Law and Legal Theory 503 (D. Patterson, ed., 1996).
- "Affirmative Duties and the Limits of Self-Sacrifice," 15 Law & Phil. 65 (1996).
- "Negligence, Crime, and Tort: Comments on Hurd and Simons," 76 B.U. L. Rev. 301 (1996).
- "Impossible," 72 Denv. U. L. Rev. 1007 (1995).
- "Originalism, or Who Is Fred?," 19 Harv. J.L. & Pub. Pol'y 321 (1995).
- "Banning Hate Speech and the Sticks and Stones Defense," 13 Const. Comment. 71 (1996).
- "Is There Such a Thing as Extraconstitutionality? The Puzzling Case of Dalton v. Specter" (with Evan Lee), 27 Ariz. St. L.J. 845 (1995).
- "Free Speech and Speaker's Intent," 12 Const. Comment. 21 (1995).
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- “The Deceptive Nature of Rules” (with Emily Sherwin), 142 U. of Pa. L. Rev. 1191 (1994).
- “Harm, Offense, and Morality,” 7 Canadian J.L. & Jurisprudence 199 (1994).
- “Liberalism, Religion, and the Unity of Epistemology,” 30 San Diego L. Rev. 763 (1993).
- “What We Do and Why We Do It,” 45 Stan. L. Rev. 1885 (1993).
- “The Public/Private Distinction(s),” 10 Const. Comment. 361 (1993).
- “Trouble on Track Two: Incidental Regulations of Speech and Free Speech Theory,” 44 Hastings L.J. 921 (1993).
- “Practical Reason and Statutory Interpretation,” 12 Law & Phil. 319 (1993).
- “Constitutional Torts, the Supreme Court, and the Law of Noncontradiction: An Essay on Zinermon v. Burch,” 87 Nw. U. L. Rev. 576 (1993).
- “Inculpatory and Exculpatory Mistakes and the Fact/Law Distinction: An Essay in Memory of Myke Bayles,” 12 Law & Phil. 33 (1993).
- “Self-Defense, Justification, and Excuse,” 22 Phil. & Pub. Aff. 53 (1993).
- “The ADL Hate Crime Statute and the First Amendment,” 11 Crim. Just. Ethics 49 (1993).
- “Voluntary Acts: The Child/Davidson Trilemma,” 11 Crim. Just. Ethics 98 (1993).
- “What Makes Wrongful Discrimination Wrong?,” 141 U. Pa. L. Rev. 149 (1992).
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- “Foreword: Coleman and Corrective Justice,” 15 Harv. J.L. & Pub. Pol’y 621 (1992).
- “A Comment on Cass Sunstein’s Equality” (co-authored with Emily Sherwin), 9 Const. Comment. 189 (1992).

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- "Understanding Constitutional Rights in a World of Optional Baselines," 26 San Diego L. Rev. 175 (1989).
- "Constrained by Precedent," 63 S. Cal. L. Rev. 1 (1989).
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- "The Constitution as Law," 6 Const. Comment. 103 (1989).
- "Legal Theory and Judicial Accountability: A Comment on Seidman," 61 S. Cal. L. Rev. 1601 (1988).
- "Striking Back at the Empire: A Brief Survey of Problems in Dworkin's Theory of Law," 6 Law & Phil. 419 (1987).
- "The Relationship Between Procedural Due Process and Substantive Constitutional Rights," 34 U. Fla. L. Rev. 323 (1987).
- "Justification and Innocent Aggressors," 33 Wayne L. Rev. 1177 (1987).
- "Causation and Corrective Justice: Does Tort Law Make Sense?," 6 Law & Phil. 1 (1987).
- "Scheffler on the Independence of Agent-Centred Prerogatives from Agent-Centred Restrictions," 84 J. Phil. 277 (1987).
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- "Liberalism, Neutrality, and Equality of Welfare Versus Equality of Resources" (co-authored with Maimon Schwartzschild), 16 Phil. & Pub. Aff. 85 (1986).

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- "Consent, Punishment, and Proportionality," 15 *Phil. & Pub. Aff.* 178 (1986).
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- "Electronic Monitoring of Felons by Computer: Threat or Boon to Civil Liberties" (co-authored with Elaine Alexander), 11 *Soc. Theory & Prac.* 89 (1985).
- "Is There an Overbreadth Doctrine?," 22 *San Diego L. Rev.* 541 (1985).
- "Pursuing the Good—Indirectly," 95 *Ethics* 315 (1985).
- "Consumer Boycotts and Freedom of Association: A Comment on a Recently Proposed Theory" (co-authored with Maimon Schwarzschild), 22 *San Diego L. Rev.* 555 (1985).
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- "Retributivism and the Inadvertent Killing of the Innocent," 2 *Law & Phil.* 233 (1983).
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- “The Stork Market” (co-authored with Lyla O’Driscoll), 4 *J. Libertarian Stud.* 173 (1980).
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- “Self-Defense and the Killing of Noncombatants,” 5 *Phil. & Pub. Aff.* 408 (1976), reprinted in International Ethics (C. Beitz, ed., Princeton: Princeton Univ. Press, 1985).
- “Cutting the Gordian Knot: State Action and Self-Help Repossession,” 2 *Hastings Const. L.Q.* 893 (1976).
- “The Authentication of Documents Requirement” (co-authored with Elaine Alexander), 10 *San Diego L. Rev.* 266 (1973).
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ON-LINE ARTICLES

- “Equal Protection and the Irrelevance of Groups,” in *Issues in Legal Scholarship*, 2002, www.bepress.com/ils/iss2/art1.
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Untitled Book Reviews

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- Review of R. George, ed., The Autonomy of Law, 108 *Ethics* 600 (1998).
- Review of J. Arthur, Words That Bind, 106 *Philosophical Review* 461 (1997).
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- Review of H. Wellington, Interpreting the Constitution, and L. Tribe and M. Dorf, On Reading the Constitution, 8 *Constitutional Commentary* 463 (1991).
- Review of R. Goodin & A. Reeve, eds., Liberal Neutrality, 8 *Constitutional Commentary* 255 (1991).
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OTHER WRITINGS

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- Commentary on Publicly Subsidized Boarding Schools, Op-Ed page, *San Diego Union*, May 22, 1996.
- Commentary on Balance of Trade and Protectionism (with Chris Wonnell), Op-Ed page, *San Diego Union*, April 9, 1996.
- Commentary on Flag-burning Amendment, Op-Ed page, *San Diego Union*, October 9, 1989.

PROFESSIONAL JOURNAL AND SOCIETAL AFFILIATIONS

- Co-Executive Director (with Steve Smith), Institute for Law and Philosophy.
- Co-Editor (with Matt Adler, David Brink, and Scott Shapiro), *Legal Theory*.
- Member, Editorial Board, *Law & Philosophy* (and past Co-Editor).
- Member, Editorial Board, *Ethics*.

Member, Editorial Board, *Criminal Law and Philosophy*.

Member, Board of Advisors, *Ohio State Journal of Criminal Law*.

Editor, Volumes 5 and 13, *Journal of Contemporary Legal Issues*.

President, AMINTAPHIL, 1999–2001.

National Director, National Association of Scholars Law Section, 1995–96.

Member, American Society for Political and Legal Philosophy.

Member, American Philosophical Association.

CONFERENCES AND GRANTS

Organizer and Commentator, Conference on The Status of International Law and International Human Rights, San Diego, May 3–4, 2013.

Presenter, Madison Lecture, Princeton, New Jersey, April 30, 2013.

Presenter, Criminal Law Theory Colloquium, New York, April 29, 2013.

Presenter, Conference on The Ethics of Self-Defense, Bowling Green, Ohio, April 26–27, 2013.

Presenter, Seminar on Theories of Rights, University of Catanzaro, Catanzaro, Italy, April 19, 2013.

Presenter, The Meador Lecture, Tuscaloosa, Alabama, March 19, 2013.

Presenter, Conference on The New Originalism in Constitutional Law, New York, March 1–2, 2013.

Organizer and Participant, Roundtable on Theories of Complicity, San Diego, February 22–23, 2013.

Participant, Originalism Works-in-Progress Conference, San Diego, February 15–16, 2013.

Presenter, Conference on the Philosophical Foundations of the Law of Torts, Camden, NJ, November 2–3, 2012.

Organizer and Participant, Conference on Freedom of the Church, San Diego, October 12–13, 2012.

Participant, Roundtable on Federalism and Secession, San Diego, Sept. 28–29, 2012.

Presenter, Southeastern Association of Law Schools Conference, Amelia Island, FL, August 1, 2012.

Participant, Conference on The Philosophical Foundations of Intellectual Property, San Diego, May 5–6, 2012.

Participant, Analytic Legal Philosophy Conference, New Haven, CT, April 19–20, 2012.

Presenter, Festschrift in Honor of Professor Martin H. Redish, Chicago, March 30, 2012.

Presenter, Conference on Precedent on the United States Supreme Court: Theory and Practice, Baltimore, March 28, 2012.

Participant, Roundtable on The Jurisprudence of Sports, San Diego, February 24–25, 2012.

Participant, Originalism Works-in-Progress Conference, San Diego, February 3–4, 2012.

Presenter, Conference on Freedom of Expression: Universal or Particular?, Melbourne, Australia, December 15–16, 2011.

Presenter, Conference on Actio Libera Causa, Philadelphia, December 8–9, 2011.

Presenter, N.I.H. Bioethics Department Colloquium Series on Discrimination, Stereotyping, and Profiling, Bethesda, MD, October 28, 2011.

Organizer and Participant, Conference on the Morality of Preventive Restrictions of Liberty, San Diego, California, April 29–30, 2011.

Organizer and Participant, Analytic Legal Philosophy Conference, San Diego, California, April 22–23, 2011.

Presenter, Meeting of the American Philosophical Association, Pacific Division, April 20, 2011.

Presenter, Conference on Targeted Killing, Philadelphia, April 15–16, 2011.

Presenter, Conference on Jack Balkin's Living Originalism, Champaign–Urbana, Illinois, April 8–9, 2011.

Presenter, Conference on Paternalism, Bowling Green, Ohio, April 1–2, 2011.

Presenter, Section on Jurisprudence, Association of American Law Schools Annual Meeting, San Francisco, California, January 7, 2011.

Presenter, Conference on Law, Economics, and Morality, Jerusalem, December 24, 2010.

Presenter, “Constitutional Interpretation and Judicial Review,” Symposium on Law and Political Philosophy: The Legitimacy of Judicial Review of Legislation, The Dedication of the Aharon Barak Center for Interdisciplinary Legal Research, Jerusalem, December 22, 2010.

Participant, Roundtable on Freedom of Association, San Diego, California, November 19-20, 2010.

Participant, Colloquium on Mill on Liberty, La Jolla, California, September 9–11, 2010.

Presenter, Conference on Seeking Security: Pre-empting the Commission of Criminal Harms, University College London, September 2–3, 2010.

Presenter, Symposium on Michael Moore’s *Causation and Responsibility*, Rutgers-Camden School of Law, August 27, 2010.

Presenter and Participant, Conference on Natural Law, Natural Rights, and the American Republic, Princeton, N.J., May 17-18, 2010.

Participant, Conference on Freedom of Conscience: Stranger in a Secular Land?, San Diego, California, April 23-24, 2010.

Organizer and Participant, Analytic Legal Philosophy Conference, New York, April 16-17, 2010.

Organizer and Participant, Roundtable on Exploitation, Price-Gouging, and Blackmail, San Diego, California, January 29–30, 2010.

Presenter, Section on Scholarship, Association of American Law Schools Annual Meeting, New Orleans, January 9, 2010.

Presenter, AALS Executive Committee Program, Association of American Law Schools Annual Meeting, New Orleans, January 7, 2010.

Participant, Roundtable on Ignorance of the Law, Rutgers School of Law, Camden, New Jersey, November 13-14, 2009.

Presenter, Conference on The Place of Precedent in Objective Law, Austin, Texas, October 16-17, 2009.

Organizer and Participant, Roundtable on the Philosophy of Tort Law, San Diego, California, October 2–3, 2009.

Presenter, Conference on Philosophical Foundations of Criminal Law, Rutgers Center for Law & Justice, Newark, New Jersey, Sept. 25–26, 2009.

Presenter, Columbia Legal Theory Workshop, New York, NY, Sept. 21, 2009.

Participant, Conference in Celebration of Crime and Culpability: A Theory of Criminal Law, Chicago, May 11, 2009.

Participant, Roundtable on Robert Nozick and Lockean Libertarianism, San Diego, California, April 24–25, 2009.

Participant, Constitutional Theory Conference, University of Southern California Law Center, April 3–4, 2009.

Presenter, Constitutional Theory Colloquium, Georgetown Law Center, March 27, 2009.

Presenter, State of the Field Lectures: Legal Philosophy, William & Mary College of Law, March 26, 2009.

Panelist, Conference on Unchallengeable Orthodoxy in Academia and Science, Tempe, AZ, March 19–20, 2009.

Panelist, Panel on Academic Freedom and the Treatment of Dissenting Ideas in the Modern University, Tempe, AZ, March 19, 2009.

Organizer and Participant, Conference on Isaiah Berlin, Value Pluralism, and the Law, San Diego, California, February 20–21, 2009.

Chair and Moderator, Section on Scholarship, Association of American Law Schools Annual Meeting, San Diego, California, January 8, 2009.

Inaugural Lecturer, The Coxford Lecture, University of Western Ontario, London, Ont., November 26, 2008.

Respondent, Colloquium on *Demystifying Legal Reasoning*, Cornell University Law School, November 14, 2008.

Presenter, Public Law Workshop, Harvard Law School, November 12, 2008.

Presenter, Colloquium on David Faigman's *Constitutional Fictions*, Hastings College of the Law, October 30, 2008.

Presenter, Colloquium on Originalism, University of Western Ontario, October 17–18, 2008.

Presenter, Conference on Religion and the Constitution: Establishment and Fairness, University of Notre Dame Law School, October 10, 2008.

Organizer and Participant, Roundtable on The Rationality of Rule-Following, San Diego, California, September 26–27, 2008.

Presenter, Symposium on Rights, Law, and Morality, New College, Oxford University, September 10–11, 2008.

Presenter, Roundtable on the Oxford Handbook on the Philosophy of Criminal Law, Chicago, IL, September 5–6, 2008.

Commentator, Conference on Criminal Law, New Brunswick, N.J., May 30–31, 2008.

Presenter, Conference on The Rule of Recognition and the U.S. Constitution, Philadelphia, May 2–3, 2008.

Presenter, Perry Roundtable, Atlanta, GA, April 18–19, 2008.

Presenter, Conference on Toward a Science of Consciousness, Tucson, AZ, April 7–8, 2008.

Presenter, Conference on Objectivity in the Law, Austin, TX, April 4–5, 2008.

Presenter, Symposium on Ethical Perspectives on Risk, Greensboro, N.C., February 29–Mar. 2, 2008.

Organizer and Participant, Roundtable on Blame and Retribution: Their Justifications and Preconditions, San Diego, California, January 25–26, 2008.

Participant, Roundtable on The Reasonable, Manchester, Vermont, November 2–3, 2007.

Organizer and Participant, Roundtable on Just War and Terrorism, San Diego, California, September 27–28, 2007.

Participant, Roundtable on The Morality of Debt Relief, Champaign-Urbana, Illinois, September 21–22, 2007.

Presenter, The Neuroscience and Law Project, Santa Barbara, California, September 10, 2007

Presenter, IVR World Congress, Krakow, Poland, August 1–6, 2007.

Moderator, Conference on Freedom of Association, San Diego, California, June 21–23, 2007.

Participant, Conference on Sharp Boundaries and the Law, Philadelphia, May 18–19, 2007.

Organizer and Moderator, Conference on Informational Privacy, San Diego, California, April 27–28, 2007.

Presenter, Analytic Legal Philosophy Conference, Berkeley, California, April 13–14, 2007.

Gibson Lecturer, Queen’s University, Kingston, Ontario, April 2, 2007.

Organizer and Participant, Roundtable on What is the Relation Among Retributive, Distributive, and Corrective Justice?, Tapatio Springs, TX, March 30–31, 2007.

Commentator, Conference on the Work of John Finnis, Atlanta, GA, March 23–24, 2007.

Presenter, Conference on The Supreme Court and the Idea of Constitutionalism, Michigan State University, January 25–28, 2007.

Participant, Roundtable on The Duty to Rescue, Idyllwild, California, October 20–21, 2006.

Presenter, Colloquium on Interpreting the Constitution, London, Ontario, October 13–14, 2006.

Organizer and Moderator, Conference on Law, Liberty, and Morality, San Diego, California, October 6–7, 2006.

Presenter, Legal Theory Workshop, UCLA School of Law, September 21, 2006.

Commentator, Panel on Should Europe Adopt American-Style Judicial Review, American Political Science Association Annual Meeting, Philadelphia, September 2, 2006.

Organizer and Participant, Conference on the Rights and Wrongs of Discrimination, San Diego, California, April 28–29, 2006.

Organizer, Moderator, and Participant, Analytic Legal Philosophy Conference, Los Angeles, April 7–8, 2006.

Participant, Law’s Quandary: A Discussion, University of Notre Dame Law School, March 31, 2006.

Presenter, Conference on Law and Morality, College of William & Mary School of Law, March 16–18, 2006.

Presenter, University of Chicago Law School Faculty Colloquium, March 2, 2006.

Presenter, Northwestern University School of Law Faculty Colloquium, March 2, 2006.

Presenter, Conference on Horowitz, Churchill, Columbia—What’s Next for Academic Freedom, University of Colorado, Boulder, February 3–4, 2006.

Participant, Roundtable on Intention and Responsibility, Death Valley,
January 20–21, 2006.

Organizer and Participant, Second Conference on Conceptual Issues in Constitutional
Law, San Diego, California, November 18–19, 2005.

Roger S. Aaron Lecturer, Dartmouth College, Hanover, N.H., October 10, 2005.

Stranahan Lecturer, Bowling Green Center of Philosophy & Social Policy,
Bowling Green, Ohio, October 7, 2005.

Organizer and Participant, Roundtable on Jurisprudence, San Diego, California,
September 30–October 1, 2005.

Presenter, American Political Science Association Annual Meeting, Washington, D.C.,
September 1–4, 2005

Presenter, IVR World Congress, Granada, Spain, May 28, 2005.

Organizer and Moderator, Analytic Legal Philosophy Conference, Austin,
April 8–9, 2005.

Presenter, Colloquium on Constitutional and Legal Theory, University of Texas School of
Law, April 7, 2005.

Participant, Conference on The Meaning of Marriage, San Diego, California,
January 14–15, 2005.

Presenter, Section on Jurisprudence, AALS Annual Meeting, San Francisco, California,
January 8, 2005.

Invited Lecturer, Universidad Torcuato di Tella, Buenos Aires, Argentina,
November 22–25, 2004.

Organizer and Participant, Roundtable on Consent in Sexual Relations, Colorado Springs,
Nov. 12–13, 2004.

Participant, Second Annual Constitutional Theory Conference, NYC,
October 22–23, 2004.

Participant, Roundtable on the Legal Enforcement of Morality, San Diego, California,
October 1–2, 2004.

Presenter, Faculty Colloquium, Cornell Law School, August 27, 2004.

Presenter, Conference on Justifications and Excuses: Legal and Philosophical
Perspectives, Camden, N.J., May 24–26, 2004.

Organizer and Participant, Inaugural Conference on Conceptual Issues in Constitutional Law, Austin, April 30–May 1, 2004.

Organizer and Commentator, Analytic Legal Philosophy Conference, New York, April 16–17, 2004.

Participant, Conference on What Is Legal Interpretation?, San Diego, California, April 2–3, 2004.

Featured Guest, “Contemporary Legal Issues Telecourse” on *Brown v. Board of Education*, Palomar College, March 31, 2004.

Presenter, American Philosophical Association Pacific Division Meeting, Pasadena, March 27, 2004.

Participant, Roundtable on Criminal Responsibility, San Diego, California, March 20–21, 2004.

Participant, Roundtable on Probability and Causation, Death Valley, January 23–24, 2004.

Chair and Moderator, Section on Jurisprudence, AALS Annual Meeting, Atlanta, January 4, 2004.

Participant, Roundtable on Law and Religion, San Diego, November 14–15, 2003.

Presenter, Conference on Constitutional Law, Charlottesville, September 13–14, 2003.

Participant, Symposium on Left-Libertarianism, Montreal, September 6–7, 2003.

Moderator, Analytic Legal Philosophy Conference, Oxford, England, May 16–17, 2003.

Lecturer, Institute for Continued Learning, University of California, San Diego, May 5, 2003.

Participant, Roundtable on Moral Luck, San Diego, California, April 25–26, 2003.

Presenter, First Annual Constitutional Theory Conference, Vanderbilt University Law School, April 11–12, 2003.

Presenter, Colloquium on The Structure and Underlying Values of American Free Speech Doctrine, Arizona State University College of Law, April 7, 2003.

Presenter, American Philosophical Association, Meeting of the Pacific Division, San Francisco, March 31, 2003.

Participant, Symposium on the Bicentennial of *Marbury v. Madison*, University of Minnesota, February 24, 2003.

Participant, Roundtable on Responsibility, University of Illinois College of Law, December 6–7, 2002.

Organizer, Moderator, and Participant, Conference on Legal Transitions, San Diego, California, October 24–26, 2002.

Presenter, UNC Workshop in Law and Philosophy: Judicial Review, National Humanities Center, N. Carolina, October 18–20, 2002.

Participant, Seminar on Moral Theory and the Law, Indianapolis, May 3–5, 2002.

Moderator, Analytic Legal Philosophy Conference, New Haven, April 19–20, 2002.

Moderator, Conference on Property Rights: From Magna Carta to the Fourteenth Amendment, San Diego, March 15, 2002.

Presenter, Loyola Law School Workshop Series, Los Angeles, Jan. 29, 2002.

Presenter, Conference on School Choice, Charters, Vouchers, San Diego, January 18, 2002.

Presenter, Symposium on Human Rights Protection, Melbourne, December 12–14, 2001.

Presenter, Symposium on the Scope of Equal Protection, University of Chicago Law School, October 26–27, 2001.

Presenter, Faculty Colloquium, Hastings College of Law, San Francisco, Sept. 21, 2001.

Presenter, American Political Science Association Annual Meeting, San Francisco, Sept. 2, 2001.

Moderator, Analytic Legal Philosophy Conference, Chicago, April 6–7, 2001.

Presenter, American Philosophical Association, Meeting of the Pacific Division, San Francisco, March 30, 2001.

Organizer and Participant, Roundtable on Hate Crime Legislation, San Diego, March 2–3, 2001.

Presenter, Conference on Liberalism and Illiberal Groups, San Diego, February 2–3, 2001.

Organizer and Participant, Roundtable on Non-Consequentialist Ethics, San Diego, California, January 19–20, 2001.

Moderator, Conference on Genes, Liberty, and Responsibility, Tucson, AZ, December 7–10, 2000.

Organizer and Participant, Roundtable on Welfarism, San Diego, October 20–21, 2000.

Participant, Conference on Egalitarianism, Responsibility and the Law, National Humanities Center, N.C., October 13–15, 2000.

Presenter, University of North Carolina School of Law Faculty Workshop, Chapel Hill, N.C., October 13, 2000.

Participant, Conference on Religion in Our Schools, Thomas Jefferson School of Law, October 6, 2000.

Participant, Conference on Legal Interpretation, Judicial Power and Democracy, Melbourne, Australia, June 12–14, 2000.

Moderator, Analytic Legal Philosophy Conference, New York, April 7–8, 2000.

Organizer and Presenter, AMINTAPHIL Conference on Globalization, San Diego, California, March 9–11, 2000.

Co-organizer and Moderator, Conference on Genes and the Just Society, San Diego, California, January 28–29, 2000.

Presenter, Law Section of N.A.S., Washington, D.C., January 8, 2000.

Presenter, AALS Section on Jurisprudence, Washington, D.C., January 8, 2000.

Presenter, Conference on Philosophy of Law and of Politics (Sofia XII), Mazatlán, Mexico, December 11–14, 1999.

Presenter, Conference on Rights and Rules, Columbia University, October 29–30, 1999.

Presenter, Conference on Law and Philosophy: The Work of Richard Epstein, Quinnipiac College School of Law, October 24, 1999.

Presenter, The Morality of Criminal Law: A Symposium in Honor of Professor Sandy Kadish, University of California at Berkeley, School of Law, October 1–2, 1999.

Participant, Roundtable on Conflicts of Rights, Philadelphia, September 17–18, 1999.

Presenter, Legal Theory Workshop, University of Utah College of Law, April 22, 1999.

Presenter, Analytical Legal Philosophy Conference, Philadelphia, April 9–10, 1999.

Interlocutor, Conference on Emerging Changes in the Tax System?, San Diego, California, March 19, 1999.

Participant, Roundtable on Burkean Conservatism, Philadelphia, February 12–13, 1999.

Presenter, Symposium on Formalism Revisited, The University of Chicago Law School, Feb. 6, 1999.

Panelist, Workshop on the Workforce of the 21st Century, AALS Annual Meeting, New Orleans, Jan. 6–10, 1999.

Commentator and Presenter, AMINTAPHIL Conference on “Civility, Stability, and Fragmentation,” Montreal, Sept. 24–27, 1998.

Participant, Roundtable on Philosophical Foundations of Tort Law, Philadelphia, September 18–19, 1998.

Expert Witness, Hearings of the U.S. Senate, Committee on the Judiciary, Washington, D.C., July 8, 1998.

Director, Conference on The Ethics of Preemptive Action, San Diego, April 30–May 2, 1998.

Presenter, Symposium on “The Role of Freedom,” Drake University Law School, April 17–18, 1998.

Organizer and Moderator, Analytical Legal Philosophy Conference, San Diego, April 3–4, 1998.

Presenter, Faculty Workshop, George Mason University School of Law, March 2, 1998.

Presenter, Legal Studies Workshop, University of Virginia, February 20, 1998.

Participant, Symposium on Law and Incommensurability, University of Pennsylvania, Feb. 6–7, 1998.

Participant, Conference on Law and Logic, Notre Dame University, November 14–15, 1997.

Presenter, Legal Theory Workshop, Columbia University, November 3, 1997.

Participant, Conference on Legal Reasoning and the Work of Frederick Schauer, Quinnipiac College School of Law, Oct. 12–13, 1997.

Speaker, AALS Workshop for New Law Teachers, Washington, D.C., July 24–27, 1997.

Participant, International Conference on Civil Rights, Tel Aviv, June 2–4, 1997.

Participant, Colloquium on “Self-Defense, Liberty, and Responsibility,” Easton, Md., May 1–4, 1997.

Speaker, Colloquy on "Are Lawyers Mystics?" Arizona State College of Law, Tempe, April 18, 1997.

Moderator, Analytical Legal Philosophy Conference, Columbia University School of Law, April 4-5, 1997.

Speaker, Symposium on "Incitement Against Democracy," Hebrew University, Jerusalem, December 16 and 17, 1996.

Commentator, AMINTAPHIL Conference on "Groups, Justice, and Democratic Institutions," Lexington, Ky., October 31-November 2, 1996.

Speaker, Symposium on "Defining Democracy for the Next Century," Nashville, October 25, 1996.

Speaker, Ira Rothgerber Conference on "Gay Rights and the Courts: The Amendment Two Controversy," University of Colorado School of Law, October 4, 1996.

Speaker, "The Constraints of Precedent," Workshop for Bankruptcy Judges III, Chicago, July 18, 1996.

Moderator, Druim Moir Conference on Legal Philosophy, Philadelphia, December 1-2, 1995.

Panelist, First Amendment Scholars Conference, Washington, D.C., November 17, 1995.

Panelist, Liberty Fund Colloquium on Retributive Punishment, Albuquerque, September, 1995.

Panelist, San Diego Coalition for Equality, July 18, 1995.

Expert Witness, Hearings of the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, San Diego, June 1, 1995.

Panelist, Conference on "Originalism, Democracy, and the Constitution," Northwestern University School of Law, April, 1995.

Panelist, Conference on "Crime and Tort," Boston University School of Law, April, 1995.

Panelist, Conference on "Unconstitutional Conditions," University of Denver College of Law, March, 1995.

Panelist, Conference on "Dealing with Dangerousness in the 90's," San Diego, February, 1995.

Presenter, Legal Theory Workshop, University of California at Berkeley School of Law, February, 1995.

Director, Conference on "Consent in Sexual Relations," University of San Diego School of Law, February, 1995.

Presenter, Faculty Workshop, University of Denver College of Law, October, 1994.

Chair-Elect, AALS Section on Jurisprudence (to serve as Chair in 1995-96).

Director and Participant, Conference on "Harm v. Culpability: Which Should be the Organizing Principle of the Criminal Law?," University of San Diego School of Law, February, 1994.

Panelist, "Legal and Administrative Issues of Affirmative Action," sponsored by Southern California Association of Scholars, at Santa Monica, California, on November 11, 1993.

Commentator on two separate papers, American Philosophical Association, Pacific Division Meeting, San Francisco, California, March, 1993.

Participant, Conference on "Civic and Legal Education," Stanford Law School, March, 1993.

Participant, Conference on "The Changing Face of Constitutional Interpretation," Hastings College of Law, February, 1993.

Director, Conference on Forbidden Grounds, San Diego, California, February, 1993.

Keynote Speaker, U.S. Constitution Observance 1992, San Diego, California, September, 1992.

Participant, Conference on Feminism and the Law, San Diego, California, May, 1992.

Moderator and Participant, Conference on Religious Arguments Regarding Public Policy in a Liberal Democracy, San Diego, California, April, 1992.

Moderator and Participant, Conference on Risks and Wrongs, San Diego, California, February, 1992.

Commentator, American Political Science Association, Annual Meeting, August, 1990.

Moderator and Participant, Conference on Rules and the Rule of Law, San Diego, California, April, 1990.

Commentator, American Philosophical Association, Pacific Meeting, March, 1990.

Presenter, Legal Theory Workshop, University of Toronto School of Law, November 10, 1989.

Panelist, Conference on Crime, Culpability, and Remedy, San Diego, California, April, 1989.

Moderator, American Philosophical Association, Pacific Meeting, March, 1989.

Chair, Association of American Law Schools, Section on Constitutional Law, 1988–89.

Commentator, American Philosophical Association, Pacific Meeting, March, 1988.
Speaker, Symposium on Judicial Election, Selection and Accountability, U.S.C. Law Center, February, 1988.

Panelist, Conference on Diverse Ethical Perspectives on the Ownership of the Worlds' Natural Resources, California Institute of Technology, October, 1987.

Panelist, Conference on The Theory and Practice of Teaching Ethics, San Diego, California, February, 1987.

Panelist, Conference on Procedural Due Process, Gainesville, Florida, February, 1987.

Chair, Association of American Law Schools, Section on Constitutional Law, 1987–88.

Panelist, Association of American Law Schools, Section on Constitutional Law, January, 1987.

Director, Conference on "Takings of Property and the Constitution," San Diego, California, January 31–February 1, 1986.

Participant, Conference on "Freedom of Association," Half Moon Bay, California, May, 1984.

Director, Conference on "Economic Liberties and the Constitution," San Diego, California, December, 1983.

Participant, Seminar on Individual Liberty and the Common Law, Indianapolis, Indiana, April 29–30, 1983.

Commentator, American Philosophical Association, Pacific Meeting, Oakland, California, March, 1983.

Participant, Conference on "Individual Autonomy and the Law of Contracts," Rye, New York, Aug. 2–5, 1982.

Panelist, Conference on Business Ethics, Indianapolis, Indiana, Nov. 19–21, 1981.

Panelist, Conference on "A Free Society in an Unfree World," Claremont Colleges, Oct. 15–17, 1981.

Lecturer, Interdisciplinary Seminar in Economic Theory, Economic History, and Political and Moral Philosophy, Bowling Green State University, Bowling Green, Ohio, June 14–20, 1981.

Panelist, “Genetic Engineering,” U.S.D., May 14, 1981.

Panelist, Conference on “Freedom of Religion in America,” U.S.C., April 27–30, 1981.

Summer Fellowship, Institute for Humane Studies (1979).

Participant, Conferences on Freedom of Contract (1978) and Modern Rights Theory (1979), sponsored by the Law & Liberty Project of the Institute for Humane Studies, funded by Liberty Fund, Inc.

Panelist, Association of American Law, Section on Jurisprudence, January, 1977.

Participant, Conference on Law and Ethics, sponsored by the Council for Philosophical Studies, funded by N.E.H. and the Rockefeller Foundation (1977).

Speaker, 1976 Convention of the League of California Cities.

Summer Stipend, National Endowment for the Humanities, 1973.

COMMUNITY AND PROFESSIONAL SERVICE

Citizen Advisor, Councilman Floyd Morrow, 1975–76.

Author of proposed legislation submitted to the San Diego County Bar Association.

Member: ABA, California State Bar, San Diego County Bar, numerous conservation and animal protection organizations.

Numerous (over one hundred) local TV and radio appearances and guest speaking stints before civic and educational groups.

University City Little League Board.

Youth soccer and baseball coach several years.

District Advisory Group, Gifted and Talented Education, San Diego Unified School District.

PRIMARY TEACHING AND RESEARCH INTERESTS

Constitutional Law (all areas).

Criminal Law (substantive).

Legal and Moral Philosophy (everything from analytical jurisprudence to meta-ethics to normative ethics to sanction theory).

TEACHING AWARDS

Winner, 2003 and 2010, Michael T. Thorsnes Award for Best Law School Teacher (by vote of the students).

Rev. 05-22-13