

Resumé of  
**Larry Alexander**  
**Warren Distinguished Professor of Law**

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PERSONAL

Lawrence A. Alexander

Born: September 23, 1943  
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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

The Palgrave Handbook of Applied Ethics and Criminal Law (with Kimberly Ferzan)  
(forthcoming, 2019)

Reflections on Crime and Culpability: Problems and Puzzles (with Kimberly Ferzan)  
(Cambridge University Press, 2018).

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

“Inciting, Requesting, Provoking, or Persuading Other to Commit Crimes: The Legacy of *Schenck* and *Abrams* in Free Speech Jurisprudence” (forthcoming, SMU Law Review, 2019).

“Connecting the Rule of Recognition and Internationalist Interpretation: An Essay in Honor of Richard Kay” (forthcoming, Connecticut Law Review, 2019).

“Goldsworthy on Interpretation of Statutes and Constitutions: Public Meaning, Intended Meaning, and the Bogey of Aggregation,” in Law Under a Democratic Constitution: Essays in Honour of Jeffrey Goldsworthy, D. Smith, ed. (forthcoming, 2019).

“The Mystery of Reckless Beliefs” (with Cole) (forthcoming, 2019).

“Appreciation and Responses,” in Moral Puzzles and Legal Perplexities: Essays on the Influence of Larry Alexander (H. Hurd, ed., 2018).

“Is There a Case for Strict Liability?”, 12 *Criminal Law and Philosophy* 531 (2018).

“The Need to Attend to Probabilities (for Purposes of Self-Defense and Other Preemptive Actions),” 55 *San Diego Law Review* 223 (2018).

“Retributive Justice,” in S. Olsaretti, ed., Oxford Handbook of Distributive Justice (2018).

“Constitutionalism,” in M. Sellers, et al., eds., Encyclopedia of the Philosophy of Law and Social Philosophy (2018).

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“Law and Politics: What Is Their Relation?,” 41 *Harvard J. Law & Pub. Pol’y* 355 (2018).

“The Constitutional Limits of *Chevron* Deference: Meaning Versus Policy,” <https://ssrn.com/abstract=3247186>, reprinted in abridged form as “The Constitutional Limits of the Chevron Deference Doctrine,” *Los Angeles Daily Journal*, Oct. 3, 2018.

“Is Wrongful Discrimination Really Wrong?,” <http://ssrn.com/abstract=2909277>.

“Aggregating States of Mind: A Response to Fallon,” <http://ssrn.com/abstract=2916864>.

“Against Equality,” <http://ssrn.com/abstract=2909237>.

“Hard Incompatibilism and the Rejection of Moral Responsibility: A Skeptical Look at an Optimistic Account,” <http://ssrn.com/abstract=2921469>.

“Alexander on Koppelman on Alexander,” 54 *San Diego Law Review* 339 (2017).

“Brettschneider and ‘Democratic Persuasion,’” 8 *Jurisprudence* 355 (2017).

“Robert Nagel and the Emptiness of the Supreme Court’s Standards of Review,” 88 *Univ. of Colorado L. Rev.* 325 (2017).

“Duties to Act Triggered By Creation of the Peril: Easy Cases, Puzzling Cases, and Complex Culpability,” in D. Nelkin and S. Rickless, eds., *The Ethics and Law of Omissions* (Oxford Univ. Press, 2017).

“Was Dworkin an Originalist?,” in *The Legacy of Ronald Dworkin* (W. Waluchow and S. Sciaraffa, eds., 2016).

“Freedom of Religion and Expression,” in K. Lippert-Rasmussen et al, eds., *A Companion to Applied Philosophy* (2016).

“Recipe for a Theory of Self-Defense: The Ingredients and Some Cooking Suggestions,” in C. Coons and M. Weber, eds., *The Ethics of Self-Defense* (2016).

“Consent Does Not Require Communication: A Reply to Dougherty” (with Hurd and Westen), 35 *Law and Philosophy* 655 (2016).

“Ignorance as a Legal Excuse,” in R. Peels, ed., *Perspectives on Ignorance from Moral and Social Philosophy* (2016).

“The Means Principle,” in K. Ferzan and S. Morse, eds., *Legal, Moral, and Metaphysical Truths: The Philosophy of Michael S. Moore* (2016); the unabridged version is available on SSRN at <http://ssrn.com/abstract=2378608>.

- “Legal Positivism and Originalist Interpretation,” 16 *Revista Argentina de Teoría Jurídica* (2015).
- “The Misconceived Search for the Meaning of ‘Speech’ in Freedom of Speech,” 5 *Open Journal of Philosophy* (2015).
- “Free Speech and Speaker’s Intent: A Reply to Kendrick,” 115 *Columbia L. Rev. Sidebar* 1 (2015).
- “Free Speech and ‘Democratic Persuasion’: A Response to Brettschneider,” in R. Cruft, et al, eds. *Philosophical Foundations of Human Rights* (2015).
- “Judicial Activism: Clearing the Air and the Head,” in L.P. Coutinho, et al, eds., *Judicial Activism* (2015).
- “Galston on Religion, Conscience, and the Case for Accommodation,” 51 *San Diego L. Rev.* 1065 (2014).
- “The Search for Legislative Intent,” 33 *U. Queensland L.J.* 397 (2014).
- “Hart and Punishment for Negligence,” in C. Pullman, ed., *Hart on Responsibility* (2014).
- “Constitutional Theories: A Taxonomy and (Implicit) Critique,” 51 *San Diego Law Review* 623 (2014).
- “What Are Principles, and Do They Exist?,” *Collana dei Seminari del Dottorato di ricerca in Teoria del diritto e ordine giuridico europeo, L’Europa del diritto*, 2014.
- “Confused Culpability, Contrived Causation, and the Collapse of Tort Theory” (with Ferzan) in J. Oberdiek, ed., *Philosophical Foundations of the Law of Torts* (2014).
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- “Fish on Academic Freedom: A Merited Assault on Nonsense, But Perhaps a Bridge Too Far,” 9 *Florida International Law Review* 1 (2013).
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- “Is Freedom of Expression a Universal Right?,” 50 *San Diego L. Rev.* 207(2013).

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*Grutter* or Otherwise: Racial Preferences and Higher Education@ (with Maimon Schwarzschild), 21 Const. Comment. 3 (2004).

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Is That English You're Speaking?" Some Arguments for the Primacy of Intent in Interpretation@ (with Saikrishna Prakash), 41 San Diego L. Rev. 967 (2004).

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Criminal Liability for Omissions: An Inventory of Issues,@ in Criminal Law Theory: Doctrines of the General Part (S. Shute & A. Simester, eds., 2002).

Interpreting Rules: The Nature and Limits of Inchoate Intentions@ (with Emily Sherwin), in Legal Interpretation in Democratic States (J. Goldsworthy & T. Campbell, eds., 2002).

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Mistake,@ in Encyclopedia of Crime and Justice (Joshua Dressler, ed., 2001).

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Natural Advantages and Contractual Justice@ (co-authored with William Wang), 3 Law & Phil. 281 (1984).

The Impossibility of a Free Speech Principle@ (co-authored with Paul Horton), 78 Nw. U. L. Rev. 1319 (1983).



Retributivism and the Inadvertent Killing of the Innocent,@ 2 Law & Phil. 233 (1983).

Painting Without the Numbers: Noninterpretivist Judicial Review,@ 8 U. Dayton L. Rev. 447 (1983).

Zimmerman on Coercive Wage Offers,@ 12 Phil. & Pub. Aff. 160 (1983).

Liberalism as Neutral Dialogue: Man and Manna in the Liberal State,@ 28 UCLA L. Rev. 816 (1981).

Modern Equal Protection Theories: A Metatheoretical Taxonomy and Critique,@ 42 Ohio St. L.J. 3 (1981).

Commercial Speech and First Amendment Theory,@ 75 Nw. U. L. Rev. 307 (1980).

The Doomsday Machine: Proportionality, Prevention and Punishment,@ 63 Monist 199 (1980).

The Stork Market@ (co-authored with Lyla O'Driscoll), 4 J. Libertarian Stud. 173 (1980).

Hercules or Proteus? The Many Theses of Ronald Dworkin@ (co-authored with Michael Bayles), 5 Soc. Theory & Prac. 267 (1980).

Ingraham v. Wright: A Primer for Cruel and Unusual Jurisprudence@ (co-authored with Paul Horton), 52 S. Cal. L. Rev. 1305 (1979).

Motivation and Constitutionality: A Postscript,@ 16 San Diego L. Rev. 885 (1979).

Introduction: Motivation and Constitutionality,@ 15 San Diego L. Rev. 925 (1978).

The Province of Constitutional Law Casebook Jurisprudence Redetermined,@ 29 Stan. L. Rev. 1299 (1977).

Speech in the Local Marketplace@ (an article based upon a speech delivered to 1976 Convention of the League of California Cities), 14 San Diego L. Rev. 357 (1977).

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).

The New Racism@ (co-authored with Elaine Alexander), 9 San Diego L. Rev. 190 (1972).

#### ON-LINE ARTICLES

Equal Protection and the Irrelevance of Groups,'@ in Issues in Legal Scholarship, 2002, [www.bepress.com/ils/iss2/art1](http://www.bepress.com/ils/iss2/art1).

Is It Really Racist Not To Be Racist? A Reply to Professor Spann@ (co-authored with Maimon Schwarzschild), [www.law.duke.edu/journals/dlj/alex209.html](http://www.law.duke.edu/journals/dlj/alex209.html).

#### Untitled Book Reviews

Review of C. Flanders and Z. Hoskins, The New Philosophy of Criminal Law (forthcoming in Notre Dame Philosophical Review, 2016).

Review of D. Hellman and S. Moreau, Philosophical Foundations of Discrimination Law, 125 Ethics 872 (2015).

Review of L.W. Sumner, The Hateful and the Obscene, 116 Ethics 809 (2006).

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).

Review of R. Schopp, Automatism, Insanity, and the Psychology of Criminal Responsibility, 103 Ethics 594 (1993).

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).

Book Note, 101 Ethics 676 (1991).

Review of Randy Barnett, ed., The Rights Retained By the People, 7 Constitutional Commentary 396 (1990).

#### OTHER WRITINGS

Commentary on Paying the Price for Breakdown of the Country's Bourgeois Culture (with A. Wax), Op-Ed page, Philadelphia Inquirer, Aug. 9, 2017.

"Fighting for Words," National Review, December 17, 2012.

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 Religion.

Co-Executive Director (with Steve Smith), Institute for Law and Philosophy.

Co-Editor (with Mitchell Berman, Connie Rosati, 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, 199-B96.

Member, American Society for Political and Legal Philosophy.

Member, American Philosophical Association.

#### CONFERENCES AND GRANTS

Presenter, Conference on The Return of Politics to Constitutional Law, Lisbon, Portugal,

May 22-23, 2018.

Organizer and Moderator, Analytic Legal Philosophy Conference, Toronto, Canada, April 27-28, 2018.

Chair, Panel on Reactive Attitudes, American Philosophical Association, Pacific Division Conference, San Diego, March 31, 2018.

Panelist, Conference on The Future of Free Expression and Academic Freedom, Berkeley, CA, Mar. 22, 2018.

Panelist, Conference on Free Speech and Intellectual Diversity in Higher Education: Implications for American Society, Phoenix, AZ, Feb. 23-24, 2018.

Participant, Roundtable on Rights, Cambridge, England, Nov. 17-18, 2017.

Participant, Conference on Reflections on Crime and Culpability, Charlottesville, VA., Sept. 15-16, 2017.

Presenter, Festschrift for Jeffrey Goldsworthy, Melbourne, Australia, July 17-18, 2017.

Honoree and Participant, Roundtable on the Influence of Larry Alexander, Yale Law School, New Haven, May 14-15, 2017.

Organizer and Participant, Roundtable on Identified Versus Statistical Lives, and Ex Ante Versus Ex Post Policy Making, San Diego, April 29, 2017.

Organizer and Moderator, Analytic Legal Philosophy Conference, Ann Arbor, MI, April 21-22, 2017.

Presenter, American Philosophical Association, Pacific Division Conference, Seattle, WA, April 15, 2017.

Presenter, Conference on Crime Without Fault, Georgetown University Law Center, Washington, D. C., March 31, 2017.

Vaughan Memorial Lecturer, Harvard Law School, Cambridge, MA, March 24, 2017.

Presenter, Legal Theory Colloquium, Univ. of California, Irvine, CA, March 9, 2017.

Participant, Originalism Works-in-Progress Conference, San Diego, Feb. 17-18, 2017.

Presenter, AALS President's Panel on Diversity, San Francisco, Jan. 4, 2017.

Presenter, Conference on The Moral Status of Discrimination and Its Legal Implications, Jerusalem, Dec. 14-16, 2016.

Organizer and Presenter, Conference on Self-Defense, San Diego, Nov. 11-12, 2016.

Participant, Conference on The Ethics of Consent, Zurich, Switzerland, Sept. 16-17, 2016.

Organizer and Participant, Conference on Legal Moralism, San Diego, May 20-21, 2016.

Presenter and Participant, Conference on Exploitation: Politics, Philosophy, and Economics, San Diego, April 22-23, 2016.

Presenter, Rothberger Conference, Univ. of Colorado, Boulder, April 8, 2016.

Presenter, Keller Center, Univ. of Colorado, Boulder, April 7, 2016.

Commentator, American Philosophical Association, Pacific Division Conference, San Francisco, April 2, 2016.

Panelist, Panel on Evenwel v. Abbott, San Diego, March 30, 2016.

Participant, Originalism Works-in-Progress Conference, San Diego, Feb. 19-20, 2016.

Organizer and Presenter, Conference on Can Liberals Be Tolerant? *Should They Be?* San Diego, Feb. 5-6, 2016.

Presenter, AALS section on Jurisprudence, New York City, January 7, 2016.

Participant, Book Conference on Ignorance of Law: A Philosophical Inquiry by Douglas Husak, New Haven, Sept. 11-12, 2015.

Panelist, Panel on Law and Justice, National Workshop for Bankruptcy Judges II, Washington, D.C., August 5, 2015.

Keynote speaker, Conference on Constitutional Interpretation and Legal Positivism, Buenos Aires, May 29-30, 2015

Organizer and Participant, Conference on Global Justice and Fair Trade, San Diego, April 24-25, 2015.

Presenter, Conference on The Ethics and Law of Omissions, San Diego, April 17-18, 2015.

Participant, Analytic Legal Philosophy Conference, Los Angeles, April 11-12, 2015.

Panelist, Panel on Law and Justice, National Workshop for Bankruptcy Judges I, Seattle, March 23, 2015.

Participant, Conference on Hosanna-Tabor and/or Smith v. Employment Division, San Diego, March 13-14, 2015.

Participant, Originalism Works-in-Progress Conference, San Diego, February 20-21, 2015.

Participant, Roundtable on Public Reason, San Diego, February 13-14, 2015.

Presenter, AALS section on Jurisprudence, Washington, D.C., Jan. 5, 2015.

Presenter, The Dunbar Lecture, Oxford, Mississippi, October 6, 2014.

Presenter, Faculty Colloquium, University of Virginia School of Law, Charlottesville, Sept. 5, 2014.

Presenter and Participant, Conference on The Legacy of Ronald Dworkin, Burlington, Ontario, May 30-31, 2014.

Presenter and Participant, International Conference on Judicial Activism, Lisbon, Portugal, May 26-27, 2014.

Participant, Analytic Legal Philosophy Conference, Oxford, England, May 23-24, 2014.

Participant, Conference on Originalism and the Good Constitution, San Diego, April 11, 2014.

Organizer and Commentator, Conference on "Is Religion Special," San Diego, Feb. 28 – Mar. 1, 2014.

Participant, Originalism Works-in-Progress Conference, San Diego, February 21– 22, 2014.

Presenter, Conference on Stanley Fish's Versions of Academic Freedom, Miami, Jan. 24, 2014.

Presenter, Conference on Deontological Principles and the Criminal Law, New Brunswick, New Jersey, October 25–26, 2013.

Organizer and Participant, Conference on Claus' Law's Evolution and Human Understanding, San Diego, September 28, 2013.

Discussion Leader and Participant, Colloquium on Constitutional Theory and Liberty: The Current State of Originalism, Boston, August 2–3, 2013.

Presenter, 70<sup>th</sup> Birthday Roundtable for Michael Moore, Chicago, July 18, 2013.

Presenter, Workshop on Age Discrimination, Louvain–Aarhus Project,

Louvain-La-Neuve, Belgium, June 13–14, 2013.

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, Feb 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, ColumbiaBWhat'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 Minn.,  
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 21<sup>st</sup> Century, AALS Annual Meeting, New Orleans, Jan. 6-10, 1999.

Commentator and Presenter, AMINTAPHIL Conference on ACivility, 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 AThe 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 AGroups, Justice, and Democratic

Institutions,@ Lexington, Ky., October 31-November 2, 1996.

Speaker, Symposium on ADefining 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 ATakings 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.

Board of Directors, San Diego Master Chorale, 2015-18.

#### 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).

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