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EMPLOYMENT

University of Minnesota: Frederick W. Thomas Professor of Law and
Philosophy, 2002- ; Associate Professor, 2001-2002

Visitng Professor of Law, Summer 2017, Shanghai University of Finance and
Economics Law School

Visiting Professor of Law, Summer 2015, University of San Diego Law School
(London Program)

Visiting Professor of Law, December 2013, Hebrew University, Jerusalem

Visiting Professor of Law, December 2011, University of Haifa Law School

Visiting Professor of Law, December 2010, Radzyner School of Law,
IDC Herzliya

Quinnipiac University School of Law: Associate Professor of Law, 1995-1997;
Professor of Law, 1997-2001

Georgetown University Law Center: Visiting Professor of Law, Spring 2000

George Washington University Law School: Visiting Professor of Law, Fall 1999

King's College, University of London, 1991-1993 (on leave, 1993-1995):
Lecturer in Law (equivalent to U.S. Assistant Professor of Law)

St. Edmund Hall, Oxford University, 1989-1990: Part-Time Lecturer in Law

Clerk, Massachusetts Appeals Court: Justice Benjamin Kaplan, 1993-1995

Clerk, Ninth Circuit Court of Appeals: Judge Stephen Reinhardt, 1987-1988

Clerk, New Jersey Supreme Court: Justice Alan Handler, 1986-1987

TEACHING

Courses Taught: Contract Law, Family Law, Jurisprudence, Constitutional Law,
International Business Transactions, Federal Courts

EDUCATION

BALLIOL COLLEGE, OXFORD UNIVERSITY

D. Phil. in Law 1991 (“Wittgenstein and Legal Determinacy”
Supervisor: Joseph Raz)

HARVARD LAW SCHOOL

J.D. Degree 1986, *magna cum laude*

WASHINGTON UNIVERSITY IN ST. LOUIS

B.A. Degree 1983, *summa cum laude*, *phi beta kappa*
Lien Scholar: merit-based full tuition scholarship

BOOKS

Jurisprudence: Theory and Context, 7th ed. (Sweet & Maxwell (UK), Carolina Academic Press (US), 2015) (1st ed. 1996; 2nd ed. 1999, 3rd ed. 2003, 4th ed. 2006, 5th ed. 2009, 6th ed., 2012)

translated into Chinese (Law Press, 2007); Greek (Kritiki Publications, 2007), Spanish (UNAM, 2010), and Italian (G. Giappichelli Editore, 2016)

Jurisprudence: Cases and Materials (3rd ed., LexisNexis, 2015) (with Stephen Gottlieb, Robin West & Timothy Lytton) (also, 2nd ed., 2006)

Obligación y Significado: Derecho, Lenguaje y Normatividad (Fontamara, 2015)
(collection of previously published essays, translated into Spanish, with a new introduction)

Family Law: Cases, Text, Problems (condensed 5th edition, 2014) (With Ira Mark Ellman, Paul M. Kurtz, Lois A. Weithorn, Karen Czapanskiy & Maxine Eichner)

Also co-authored 4th ed. (2004), 2008 Supplement, and 5th ed. (2010)

Oxford Introductions to U.S. Law: Family Law (Oxford University Press, 2013)

Contract Law: Rules, Theory, and Context (Cambridge Introductions to Philosophy and Law, Cambridge University Press, 2012)

Rights: Concepts and Contexts (Ashgate, 2012) (Co-Editor, with Horacio Spector)

Editor, Reprint of Jerome Frank, *Law and the Modern Mind* (Transaction Publishers, 2008)

Lenguaje, Teoría y Derecho (Universidad Externado de Colombia, 2008)
(collection of previously published essays, translated into Spanish, with a new introduction)

Teoría del Derecho: ambición y límites (Marcial Pons, 2006)
(collection of previously published essays, translated into Spanish, with a new introduction)

Editor, *Philosophy of Law: Critical Concepts in Philosophy*, four volumes
(Routledge, 2006)

Law and Morality (Ashgate, 2005) (Co-Editor, with Kenneth Einar Himma)

A Dictionary of Legal Theory (Oxford University Press, 2004)

translated into Chinese (Law Press, 2007), Spanish (UNAM, 2010)

Editor, *Contract Law*, vols. I and II (International Library of Essays in Law and Legal Theory, 2nd Series, Ashgate, 2000)

Editor, *Analyzing Law: New Essays in Legal Theory* (Oxford University Press, 1998)

Law, Language, and Legal Determinacy (Oxford University Press, 1993)

translated into Chinese (Law Press, 2007)

Chapter 2 reproduced in *Wittgenstein and Law* (Dennis Patterson, ed., Ashgate, 2004)

ARTICLES AND REVIEW ESSAYS

“Obligations from Artifacts,” for Luka Burazin, Kenneth Einar Himma & Corrado Roversi (eds.), *Law as an Artifact* (Oxford University Press, forthcoming, 2017)

“Indeterminacy and Good Faith: Politics and Legitimacy” *Droit et Philosophie*, vol. 9 (forthcoming, 2017)

“Private Ordering in Family Law,” for Elizabeth Brake & Lucinda Ferguson (ed.), *Philosophical Foundations of Children’s and Family Law* (Oxford University Press, forthcoming)

“Consent and Contract Law,” for Peter Schaber & Andreas Müller (eds.), *The Ethics of Consent* (Routledge, forthcoming)

“Secrecy and the Nature of Law,” in Claire Finkelstein & Sharon Lloyd (eds.), *Sovereignty and the New Executive Authority* (Oxford University Press, forthcoming)

“Kelsen and Normativity Revisited” (translated into Spanish), in Carlos Bernal &

- Marcelo Porciuncula (eds.), *Kelsen para Erizos: Ensayos en Honor a Stanley L. Paulson* 273-295 (Universidad Externado de Colombia, 2017)
- “Legal Truth in Common Law Legal Systems” (translated into Spanish as “La verdad jurídica en los sistemas del common law”) in German Sucar and Jorge Cerdio (eds.), *Derecho y Verdad: Concepciones* (vol. III), pp. 173-192 (forthcoming, Tirant Lo Blanch, Valencia, Mexico, 2017)
- Same volume, pp. 91-95: Comment on Dennis Patterson, “Right and Truth” (translated into Spanish as “Comentario sobre ‘Derecho y verdad’ de Denis Patterson”)
- “Moral Philosophy and Law and Economics,” in in Francesco Parisi (ed.), *The Oxford Handbook of Law and Economics, Volume 1: Methodology and Concepts* (Oxford, 2017), pp 288-299
- “Theories of Contract Law,” in Pier Giuseppe Monateri (ed.), *Comparative Contract Law* 7-18 (Edward Elgar, 2017)
- “Types of Legal Theory” (2017), in Mortimer Sellers & Stephan Kirste (eds.), *Encyclopedia of the Philosophy of Law and Social Philosophy* (Springer, 2017), DOI 10.1007/978-94-007-6730-0_50-1
- “Doctrine, Data, and High Theory,” 6 *U.C. Irvine Law Review* 137-147 (2016)
- “Vagueness and Political Choice in Law,” in Geert Keil and Ralf Poscher (eds.), *Vagueness and the Law. Philosophical and Legal Perspectives* 247-259 (Oxford University Press, 2016)
- “Marriage Agreements and Religion,” 2016 *Illinois Law Review* 1665-1678
- “Kelsen in the U.S.: Still Misunderstood,” in D. A. Jeremy Telman (ed.), *Hans Kelsen in America – Selective Affinities and the Mysteries of Academic Influence* 17-29 (Springer, 2016)
- “Metaphysical Realism and Legal Reasoning,” in Kimberly Kessler Ferzan & Stephen J. Morse (eds.), *Legal, Moral, and Metaphysical Truths: The Philosophy of Michael S. Moore* 311-321 (Oxford University Press, 2016)
- “Philosophy of Language, Unilateral Contracts, and the Law,” in Lawrence Solan, Janet Ainsworth & Roger W. Shuy (eds.), *Speaking of Language and Law: Conversations on the Work of Peter Tiersma* 76-78 (Oxford University Press, 2015)
- “Engagement with Economics: The New Hybrids of Family Law/Law & Economics Thinking,” in Aristides N. Hatzis & Nicholas Mercurio (eds.), *Law & Economics: Philosophical Issues and Fundamental Questions* 245-266 (Routledge, 2015)
- “Rules and Normativity in Law,” in Tomasz Gizbert-Studnicki, Krzysztof Płeszka, Michał Arszkiewicz & Paweł Banas (eds.), *Problems of Normativity, Rules and Rule Following* 125-146 (Springer, 2015)

- “Statutory Reading of Opaque Constructions – Errors and Purposes,” 127 *Harvard Law Review Forum* 200 (2014),
<http://harvardlawreview.org/2014/04/statutory-reading-of-opaque-constructions-errors-and-purposes/>
- “Agreements in American Family Law,” 4 *International Journal of the Jurisprudence of the Family* 115 (2013)
- “Boilerplate, Freedom of Contract, and ‘Democratic Degradation,’” 49 *Tulsa Law Review* 501 (2013)
- “Contract Texts, Contract Teaching, Contract Law: Comment on Lawrence Cunningham, *Contracts in the Real World*,” 88 *Washington Law Review* 1251 (2013)
- “Law and Reasons: Comments on Rodriguez-Blanco,” 7 *Problema* 27 (2013)
- “Linguistic Meaning and Legal Truth,” in *Law and Language (Current Legal Issues, volume 15)* 34-44 (Michael Freeman & Fiona Smith, eds., Oxford University Press, 2013)
- “Law and Reasons: Comments on Rodriguez-Blanco,” 7 *Problema* 27 (2013)
- “John Austin,” for *International Encyclopedia of Ethics* (Hugh LaFollette, ed., Blackwell, 2013)
- “Ideals, Practices, and Concepts in Legal Theory,” in *Neutrality and Theory in Law* 33-47 (Jordi Ferre Beltràn, José Juan Moreso & Diego M. Papayannis, eds., Dordrecht: Springer, 2013)
- earlier published (translated into Spanish), in *Neutralidad y teoría del derecho* 343-360 (Jordi Ferrer, ed., Marcial Pons, 2012)
- “The Role of Contract: Stewart Macaulay’s Lessons from Practice,” in Jean Braucher, John Kidwell and William Whitford (eds.), *Revisiting the Contracts Scholarship of Stewart Macaulay: On the Empirical and the Lyrical* 241-255 (Hart Publishing, 2013)
- “Radbruch’s Formula, Conceptual Analysis, and the Rule of Law,” in *Law, Liberty and the Rule of Law* 65-76 (Imer B. Flores & Kenneth E. Himma, eds., Springer, 2013)
- (with Barbara A. Atwood) “A New Uniform Law for Premarital and Marital Agreements,” 46 *Family Law Quarterly* 313-344 (2012)
- “Defeasibility and Open Texture,” in *The Logic of Legal Requirements: Essays on Legal*

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- (with Horacio Spector) “Introduction,” in *Rights: Concepts and Contexts* xi-xx (Horacio Spector & Brian Bix, eds., Ashgate Press, 2012)
- “Theories of Contract Law and Enforcing Promissory Morality: Comments on Charles Fried,” 45 *Suffolk University Law Review* 719 (2012)
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- earlier version published at 24 *Canadian Journal of Law and Jurisprudence* 431 (2011)
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- “Rights, Responsibilities, and Roles: A Comment on Waldron,” 43 *Arizona State Law Review* 1137 (2011)
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- “Pluralism and Decentralization in Marriage Regulation,” in *Marriage and Divorce in Multi-Cultural Context: Multi-Tiered Marriage and the Boundaries of Civil Law and Religion* 60-77 (Joel A. Nichols, ed., Cambridge, 2011)
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- “Constitutions, Originalism, and Meaning,” in *The Challenge of Originalism: Essays in Constitutional Theory* 285-299 (Grant Huscroft & Bradley Miller, eds., Cambridge, 2011)
- “*Mahr* Agreements: Contracting in the Shadow of Family Law (and Religious Law) – A Comment on Oman’s Article,” 1 *Wake Forest Law Review Online* 61 (2011), available at <http://lawreview.law.wfu.edu/articles/>
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- “Law and Language: How Words Mislead Us,” 1 *Jurisprudence* 25 (2010)
- “Private Ordering and Family Law,” 23 *Journal of the American Academy of Matrimonial Lawyers* 249 (2010)
- excerpted in Judith Areen, Marc Spindelman & Philomila Tsoukala, *Family Law: Cases and Materials* (6th ed., Foundation 2012)
- “Will versus Reason: Truth in Natural Law, Positive Law, and Legal Theory,” in *Truth: Studies of a Robust Presence* 208-231 (Kurt Pritzl, ed., Catholic University of America Press, 2010)
- “Legal Reasoning, the Rule of Law, and Legal Theory,” in *The Hart-Fuller Debate in the Twenty-First Century* 281-287 (Peter Cane, ed., Hart Publishing, 2010)
- “Contracts,” in *The Ethics of Consent: Theory and Practice* 251-279 (Franklin G. Miller & Alan Wertheimer, eds., Oxford University Press, 2010)
- “Natural Law Theory,” in *A Companion to the Philosophy of Law and Legal Theory* 211-227 (2nd ed., Dennis Patterson, ed., Oxford: Wiley-Blackwell, 2010) (1st ed. 1996)
- first edition version excerpted in Joel Feinberg & Jules Coleman, eds., *The Philosophy of Law* (7th ed., Wadsworth Publishing, 2004) and in John Arthur & William H. Shaw, *Readings in the Philosophy of Law* (Prentice Hall, 3rd ed. 2001, 4th ed. 2006, 5th ed. 2010)
- “John Austin,” in *The Stanford Encyclopedia of Philosophy*, in Edward N. Zalta, ed., <http://plato.stanford.edu/entries/austin-john/> (rev. ed. 2010, earlier editions, 2001, 2005)
- translated into Chinese, *Beihang Law Review*, vol. 1, pp. 15-23 (2010)
- earlier version translated into Korean, *Sunmoon University Law Review*, vol. 4 (2007)
- “The American and Scandinavian Legal Realists on the Nature of Norms,” *De Lege* 85-100 (Uppsala, Iustus Förlag, 2009)
- “Global Error and Legal Truth,” 29 *Oxford Journal of Legal Studies* 535 (2009)
- ““Best Interests of the Child,” in *The Child: An Encyclopedic Companion* (Richard A. Shweder, ed., University of Chicago Press, 2009), pp. 96-98
- Ross and Olivecrona on Rights,” 34 *Australian Journal of Legal Philosophy* 103 (2009)
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- “The Role of Legal Theory in Law and Justice” (in English and translated into Turkish), in *Ankara Barosu Uluslararası Hukuk Kurultayı* (Ankara: Ankara Barosu Başkanlığı, 2009), vol. 1, pp. 82-99

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- “Introduction,” in Jerome Frank, *Law and the Modern Mind* xi-xviii (Transaction Publishers, 2009)
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- translated into Russian (by Vitaly Ogleznev), *Journal of Philosophy, Sociology, and Political Science*, No. 2(22) (Tomsk State University, 2013)
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- “Joseph Raz and Conceptual Analysis,” 06 (2) *American Philosophical Association Newsletter on Philosophy and Law*, pp. 1-7, Spring 2007
- “Some Reflections on Contract Law Theory,” 1 *Problema* 143 (2007)
- “On Questions and Answers in *Law’s Quandary*,” 44 *San Diego Law Review* 85 (2007)
- “Perfectionist Policies in Family Law,” 2007 *University of Illinois Law Review* 1055
- “Form and Formalism: The View from Legal Theory,” 20 *Ratio Juris* 45 (2007)
- “Universal Theory in Family Law” in *Family Law: Balancing Interests and Pursuing Priorities* 28-34 (Lynn D. Wardle & Camille S. Williams, eds., William S. Hein & Co., 2007)

- “The Problem of Persuasion: A Comment on Linda McClain’s *The Place of Families*,”
in *Family Law: Balancing Interests and Pursuing Priorities* 20-27
(Lynn D. Wardle & Camille S. Williams, eds., William S. Hein & Co., 2007)
- (with Jane Winn) “Diverging Perspectives on Electronic Contracting in the US and EU,”
54 Cleveland State Law Review 175 (2006)
- “Legal Positivism and ‘Explaining’ Normativity and Authority,” *05 (2) American
Philosophical Association Newsletter* 5-9 (Spring 2006)
- “Robert Alexy, Radbruch’s Formula, and the Nature of Legal Theory,” *37 Rechtstheorie*
139 (2006)
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available at <http://www.panoptica.org/marcojunho08.htm>
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pp. 1-18 (Brian Bix, ed., Routledge, 2006)
- “Philosophy, Morality, and Parental Priority,” *40 Family Law Quarterly* 7 (2006)
- “Raz, Authority, and Conceptual Analysis,” *50 American Journal of Jurisprudence*
311 (2006)
- “The *ALI Principles* and Agreements: Seeking a Balance Between Status and Contract,”
in *Reconceiving the Family: Critical Reflections on the American Law Institute’s
Principles of the Law of Family Dissolution* 372-391 (Robin Fretwell Wilson, ed.,
Cambridge: Cambridge University Press, 2006)
- “Reductionism and Explanation in Legal Theory,” in *Properties of Law: Essays in
Honour of Jim Harris* 43-51 (Timothy Endicott, Joshua Getzler & Ed Peel, eds.,
Oxford: Oxford University Press, 2006)
- “Problem: Conceptual Analysis” (translated into Spanish), *5 Discusiones* 197 (2005)
- (With K. E. Himma) “Introduction,” in *Law and Morality* xi-xvii (Brian Bix & Kenneth
Einar Himma, eds., Ashgate, 2005)
- “Everything I Know About Marriage I Learned from Law Professors,” *42 San Diego Law
Review* 823 (2005)
- “Cautions and Caveats for the Application of Wittgenstein to Legal Theory,”
in *Topics in Contemporary Philosophy* 217-229 (Joseph Keim Campbell,
Michael O’Rourke & David Shier, eds., MIT Press, 2005)
- “State Interests in Marriage, Interstate Recognition, and Choice of Law,” *38
Creighton Law Review* 337 (2005)
- “Legal Positivism,” *Blackwell Guide to the Philosophy of Law and Legal Theory*
29-49 (William A. Edmundson & Martin Golding, eds., Blackwell, 2005)
- “Some Reflections on Methodology in Jurisprudence,” in *Problemas contemporáneos
de la filosofía del derecho* 67-96 (Enrique Cáceres, Imer B. Flores, Javier Saldañ
& Enrique Villanueva, eds., UNAM, 2005)

- (translated into Italian), 8 *Ars Interpretandi* 397 (2003)
- (translated into Spanish), 26 *Doxa* 609 (2003)
- “The Public and Private Ordering of Marriage,” 2004 *University of Chicago Legal Forum* 291
- “Background Rules, Incompleteness, and Intervention: Comment on Kostritsky,” 2004 *University of Wisconsin Law Review* 379
- “State Interest and Marriage: The Theoretical Perspective,” 32 *Hofstra Law Review* 93 (2003), reprinted in 18 *Minnesota Family Law Journal* 1-12 (Nov./Dec. 2004)
- “Legal Theory: Types and Purposes,” *IVR Encyclopaedia of Jurisprudence, Legal Theory, and Philosophy of Law* (Aleksander Peczenik, general editor) (2004), <http://www.ivr-enc.info/en/article.php?id=49>
- (in Spanish), 25 *Isonomia* 57 (2006)
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- “Raz on Necessity,” 22 *Law and Philosophy* 537 (2003)
- reprinted in *Law and Morality* (Kenneth Einar Himma & Brian Bix, eds, Ashgate, 2005)
- “Can Theories of Meaning and Reference Solve the Problem of Legal Determinacy?,” 16 *Ratio Juris* 281 (2003)
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- “Parental Rights for (All) Parents: A Comment on Gregory,” 36 *Family Law Quarterly* 189 (2002)

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- “How to Plot Love on an Indifference Curve,” 99 *Michigan Law Review* 1439 (2001) reprinted in *The Economics of Family Law*, vol. II, 517-532 (Margaret F. Brinig, ed., Edward Elgar, 2007)
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- “On the Dividing Line Between Natural Law Theory and Legal Positivism,” for “Propter Honoris Respectum: John Finnis,” 75 *Notre Dame Law Review* 1613 (2000)
- reprinted in Kenneth Einar Himma, *The Nature of Law: Philosophical Issues in Conceptual Jurisprudence and the Legal Theory* (Foundation Press, 2011)
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- “H.L.A. Hart and the Hermeneutic Turn in Legal Theory,” 52 *SMU Law Review* 167 (1999)
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- “When Law Becomes Morality: Comments on Mark Greenberg's Moral Impact Theory of Law” (2014), Minnesota Legal Studies Research Paper No. 14-27, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2434075
- “A Truly Different Understanding of Law and Morality,” *Jotwell*, Jurisprudence, May 2014, <http://juris.jotwell.com/>
- Review of Wil Waluchow & Stefan Sciaraffa (eds.), *Philosophical Foundations of the Nature of Law*, *Notre Dame Philosophical Review*, <http://ndpr.nd.edu/>, December 2013
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- Book Review (reviewing John Gardner, *Law as a Leap of Faith*), *72 Cambridge Law Journal* 443-446 (2013)
- “The Nature of Law: Essential vs. Important,” *Jotwell*, Jurisprudence jotwell.com, July 2013
- Book Review (reviewing Christopher J. Peters, *A Matter of Dispute: Morality, Democracy, and Law*), *32 Law and Philosophy* 327-331 (2013)
- “When ‘Best Interests’ Cannot Guide,” *Jotwell*, Family Law (jotwell.com), November 2012
- “‘Normative Jurisprudence’ and What Law Professors Should Do” (Symposium on Robin West, *Normative Jurisprudence: An Introduction*), *Concurring Opinions Blog*, concurringopinions.com, October 21, 2012
- Interview. *Specimen Magazine*, Issue 3 (2012), pp. 8-21
- “Law, Plans, and Reasons for Action” (review of Scott Shapiro, *Legality*), *122 Ethics* 444 (2012)
- Interview (on Legal Theory), *Legal Theory in China*, vol. 2 (2011)
- “State of the Art in Legal Philosophy and Perspectives on Its Future,” in *Legal Theory in China*, vol. 1 (2011)
- “Creating Norms,” (review of Jody Kraus, “Personal Sovereignty and Normative Power Skepticism”), *Jotwell*, April 2011, <http://juris.jotwell.com/creating-norms/>
- “Methodology in Jurisprudence” (review of Joseph Raz, “Can There Be a Theory of Law”), *Jotwell*, May 2010, <http://juris.jotwell.com/2010/05/>
- Review of Fiona Smith, *Agriculture and the WTO*, *12 Journal of International Economic Law* 1067 (2009)
- “Theory in a World of Legal Rules,” *Academic News* (Sweet & Maxwell), Spring 2009

- Response to John Witte, Jr., "More Than a Mere Contract: Marriage as Contract and Covenant in Law and Theology," University of Chicago Religion and Culture Web Forum, May 2008,
<http://divinity.uchicago.edu/martycenter/publications/webforum/052008/>
- Book Review (reviewing Howard Schweber, *The Language of Liberal Constitutionalism*)
Notre Dame Philosophical Reviews, March 2008, available at
<http://ndpr.nd.edu/review.cfm?id=12703>
- Book Review (reviewing Larry Alexander, *Is There a Right of Freedom of Expression?*)
48 Philosophical Books 285 (2007)
- Book Review (reviewing Peter Cane, *Responsibility in Law and Morality*), *117 Ethics*
 124 (2006)
- Book Review (reviewing George Liebmann, *The Common Law Tradition*), *48 American Journal of Legal History* 457 (2006)
- Book Review (reviewing Roger Cotterrell, *The Politics of Jurisprudence*, 2nd ed.),
1 International Journal of Law in Context 115 (2005)
- Book Review (reviewing Gerald Postema, ed., *Philosophy and the Law of Torts*),
46 Philosophical Books 93 (2005)
- Book Review (reviewing Julie Dickson, *Evaluation and Legal Theory*), *28 Australian Journal of Legal Philosophy* 231 (2003)
- "Practical Judging" (reviewing Richard H. Fallon, Jr., *Implementing the Constitution*),
19 Constitutional Commentary 453 (2002)
- Book Review (reviewing Sanford N. Katz, John Eekelaar & Mavis Maclean, eds.,
Cross Currents), *65 Modern Law Review* 305 (2002)
- Book Review (reviewing W. Lucy, *Understanding and Explaining Adjudication*),
63 Modern Law Review 945 (2000)
- Book Review (reviewing M. Addis, *Wittgenstein: Making Sense of Other Minds*),
41 Philosophical Books 267 (2000)
- Book Review (reviewing J.L. Coleman & C.W. Morris, eds., *Rational Commitment and Social Justice*), *19 Philosophy in Review* 318 (1999)
- Book Review (reviewing A. Sebok, *Legal Positivism in American Jurisprudence*),
40 Philosophical Books 277 (1999)
- Book Review (reviewing J. E. Penner, *The Idea of Property in Law*), *18 Philosophy in Review* 143 (1998)
- Book Note (reviewing R. D. Winfield, *Law in Civil Society*), *107 Ethics* 394 (1997)
- Book Review (reviewing E. Weinrib, *The Idea of Private Law*), *37 Philosophical Books* 131 (1996)
- Book Review (reviewing M. Kramer, *Critical Legal Theory and the Challenge of*

- Feminism*), 9 *Canadian Journal of Law and Jurisprudence* 223 (1996)
- “Physician Assisted Suicide and the American Constitution,” 58 *Modern Law Review* 404 (1995)
- “Assault, Sado-Masochism and Consent,” 109 *Law Quarterly Review* 540 (1993)
- “Refusal of Medical Treatment,” 4 *King's College Law Journal* 112 (1993)
- Book Review (reviewing J. Katz, *The Metaphysics of Meaning*), 102 *Mind* 512 (1993)
- Book Review (reviewing S. Guest, *Ronald Dworkin*), 43 *Philosophical Quarterly* 569 (1993)
- Book Review (reviewing E. Rakowski, *Equal Justice*), 102 *Mind* 193 (1993)
- “Agreement to Negotiate,” 3 *King's College Law Journal* 131 (1992)
- Case Note (*R. v. Brown and others* (Court of Appeal)), 6 *Wig & Gavel* 22 (1992)
- Book Review (reviewing V. Burstyn, ed., *Women Against Censorship*), 9 *Harvard Women's Law Journal* 215 (1986)
- Recent Publication (reviewing M.J. Detmold, *The Unity of Law and Morality*), 22 *Harvard Journal on Legislation* 620 (1985)
- Recent Publication (reviewing L. Baker, *Frankfurter and Brandeis*), 22 *Harvard Journal on Legislation* 310 (1985)

SELECTED TALKS AND CONFERENCE PRESENTATIONS

- “Human Rights, Peace, and the Relationship of Moral and Legal Rights” – Plenary Lecture – International Association for Philosophy of Law and Social Philosophy, XXVIII World Congress, Lisbon, July 2017
- “Reflections on an Empire: Some Comments on the Legacy of Ronald Dworkin’s Legal Philosophy,” Panel on “Ronald Dworkin’s Jurisprudence: A Retrospective,” American Philosophical Association, Pacific Division, April 2017
- “Contract Law and the Common Good,” *Morality, Markets and Contract Law*, William and Mary Law School, April 2017
- “The Promise and Problems of Universal, General Theories of Contract Law,” North American Workshop in Private Law Theory, Fordham Law School,

November 2016

- “Waismann, Wittgenstein, Hart, and Beyond: The Developing Idea of ‘Open Texture’ of Language and Law,” *Friedrich Waismann’s Legacy and Presence*, September 2016, University of Vienna
- “Indeterminacy and Good Faith: Politics and Legitimacy,” University of Paris, March 2016
- “Consent and Contract Law,” University of California-Irvine, January 2016
- “The Nature of Legal Obligation,” for IVR Conference, *Legal Normativity and Language*, University of Belgrade, October 2015
- “Vagueness and Political Choice in Law” and
“Legal and Constitutional Interpretation,” University of Belgrade, October 2015
- “Hot Topics in Contract and Commercial Law,” Full Day CLE, University of Minnesota, June 2015
- “The Nature of Legal Obligation,” Magna Graecia University, Catanzaro, Italy, April 2015, subsequently published on
<http://www.ordines.it/> (Site for “Interdisciplinary Research on European Institutions”)
- “The Nature of Legal Obligation” and “Vagueness and Political Choice in Law,” National University of Singapore, March 2015
- “Hot Topics in Family Law,” Full Day CLE, University of Minnesota, March 2015
- “Legal Obligation and Legal Meaning,” Instituto Tecnológico Autónomo de México (ITAM), October 2014
- Moral, Political, Legal and Social Theory (MPLS), University of Minnesota, November 2014
- “Doctrine, Data, and High Theory,” for “New Legal Realism 10th Anniversary Conference: Future Directions for Legal Empiricism,” August 2014, University of California-Irvine School of Law
- “Hot Topics in Contract and Commercial Law,” Full Day CLE, University of Minnesota, June 2014
- “Vagueness and Political Choice in Law,” University of Edinburgh Legal Theory Seminar Series, March 2014

“Hot Topics in Family Law,” Full Day CLE, University of Minnesota, March 2014

Comment on June Carbone, “Unequal Terms: Gender, Power and the Recreation of Hierarchy,” Moral, Political, Legal and Social Theory (MPLS), University of Minnesota, February 2014

“Secrecy and the Nature of Law,” “On the Very Idea of Secret Laws: Transparency And Publicity in Deliberative Democracy,” Center for Ethics and the Rule of Law, University of Pennsylvania Law School, November 2013

“Rules and Normativity in Law,” IVR Rules 2013 Conference, Jagellonian University, Krakow, October 2013

Hebrew University, December 2013

Commentator and Participant, “Dimensions of Politics and English Jurisprudence Roundtable,” Notre Dame Law School, October 2013

“Changes in Family Law,” Lecture for OLLI Course, Minneapolis, October 2013

Contract Law training, Full Day Course, Tonka Water, Minnetonka, Minnesota, July 2013

Workshop Participant, “Revamping the Law & Policy of Reproductive Technologies: Children First?,” University of Minnesota Law School, June 2013

Hot Topics in Contract and Commercial Law,” Full Day CLE, University of Minnesota, June 2013

Comment on Hadley Arkes, “A Natural Law Manifesto,” University of Minnesota Law School, April 2013

“Vagueness and Political Choice in Law,” *Vagueness and the Law*, New York University, March 2013

“Hot Topics in Family Law,” Full Day CLE, University of Minnesota, March 2013

Comment on Antony Duff, “Torts and Crimes,” University of Minnesota Moral, Political Legal and Social Theory Workshop, October 2012

“Changes in Family Law,” Lecture as Part of Osher Lifelong Learning Course, Minneapolis, October 2012

“Hot Topics in Family Law,” Full Day CLE, University of Minnesota, June 2012

“Authority and Law: Comment on Sciaraffa,” University of Arizona, May 2012

- Presentation of Recent Jurisprudential Work, Law and Philosophy Workshop,
Georgetown University Law Center, March 2012
- “The Nature of Law and Reasons for Action, Georgetown University Philosophy
Department, March 2012
- “Hot Topics in Contract and Commercial Law,” Full Day CLE, University of
Minnesota, March 2012
- “Agreements in Family Law,” Boston College Law School, March 2012
Notre Dame Law School, March 2012
- William and Mary Law School, February 2012
American University, Washington College of Law, November 2011
- “Theories of Contract Law and Enforcing Promissory Morality,” University of Haifa,
December 2011
- “The Nature of Law and Reasons for Action,” Case Western Reserve School of Law,
November 2011
- UNAM, Mexico City, September 2011
- “The Role of Contract: Stewart Macaulay’s Lessons from Practice,” *Empirical and
Lyrical: Revisiting the Contract Scholarship of Stewart Macaulay*,
University of Wisconsin, October 2011
- “La Filosofía del Derecho con el Dr. Brian Bix,” Radio Broadcast/Podcast,
Procrastinado (UNAM, Mexico City), October 12, 2011
<http://procrastinando-derecho.blogspot.com/2011/10/en-uno-de-los-episodios-que-mas-nos.html>
- Invited Participant, Terrence J. Murphy Institute Faculty Seminar on David Luban’s
Lecture, “A Critique of Human Dignity as Autonomy,” St. Thomas Law School,
October 2011
- “Linguistic Meaning and Legal Truth,” *Current Legal Issues 2011: Law and Language*,
University College London, July 2011
- “Hot Topics in Family Law,” Full Day CLE, University of Minnesota, June 2011
- “Radbruch’s Formula and Conceptual Analysis,” *The Nature of Law: Contemporary
Perspectives*, McMaster University, May 2011
- “Radbruch’s Formula, Conceptual Analysis, and the Rule of Law,” *Conference on
Ethical and Human Rights Problems in Making and Applying the Law*,

- Maltepe University, Istanbul, Turkey, May 2011
- “Religion and Family Law,” Panel Discussion, University of Minnesota, April 2011
- “Current Issues in Family Law: Family Law Across State (and National) Lines”
(Full Day CLE), University of Minnesota, March 2011
- “Private Ordering and Family Law,” Radzyner Law School, IDC-Herzliya,
December 2010
- University of California-Davis Law School, August 2010
- University of Minnesota Law School, October 2010
- Participant on American Association of Matrimonial Lawyers CLE Panel, “Best of the
Best: Marital Agreements,” AAML Annual Meeting, Chicago, November 2010
- “What Premarital Agreements Teach Us About Contract Theory,” Georgetown
University Contract and Promise Workshop, September 2010
- “Hot Topics in Contracts and Commercial Law” (Full Day CLE), University of
Minnesota, June 2010
- “Ideals, Practices, and Concepts in Legal Theory,” *Conference on Philosophy and Law*,
Girona, Spain, May 2010
- “National Family Law Trends: Religion, Parental Rights, Same-Sex Unions” (Full Day
CLE), University of Minnesota Law School, March 2010
- “John Austin and Constructing Theories of Law,” for Conference, “John Austin and
His Legacy,” University College London, December 2009
- “Contract Enforcement and the Harm Principle,” Contract and Promise Workshop,
Georgetown University Law Center, September 2009
- Florida State University Law School Faculty Workshop, October 2009
- “Consent in Contract Law,” Centre for the Study of European Contract Law, University
of Amsterdam, June 2009
- “National Trends in Family Law” (Full Day CLE), University of Minnesota Law School,
June 2009
- “Theorizing About Law,” for Conference, “Positivism, Description, Interpretation,”
University of Paris-Nanterre, May 2009

“National Trends in Family Law” (Half Day CLE), Texas Center for the Judiciary,
Houston, April 2009

“Family Law in Difficult Times” (Full Day CLE), University of Minnesota Law School,
March 2009

“Pluralism and Decentralization in Marriage Regulation,” Arizona State Law School,
November 2008

“Consent in Contract Law,” Columbia Legal Theory Workshop, November 2008

“Pluralism and Decentralization in Marriage Regulation,” St. Thomas Law School,
October 2008

“Constitutions, Originalism, and Meaning,” Originalism Colloquium, University of
Western Ontario Law School, October 2008

“The American and Scandinavian Legal Realists on the Nature of Norms”
Symposium on Topics of American & European/Scandinavian Legal Interest,
University of Minnesota, September 2008

University of Uppsala, October 2008

“Consent in Contract Law,” Contract and Promise Workshop, Georgetown University
Law Center, September 2008

University of San Diego Law School, September 2008

“The Bogeyman of Three (or More) Parents,” Southeastern Association of Law Schools,
2008 Annual Meeting, West Palm Beach, August 2008

“Marital and Parental Agreements” (Full Day CLE), University of Minnesota Law
School, June 2008

“Global Error and Legal Truth,” Conference on *Objectivity in the Law*, University of
Texas, April 2008

“National Trends and Topics in Family Law” (Full Day CLE), University of Minnesota
Law School, March 2008

“The Role of Legal Theory in Law and Justice,” International Law Congress 2008,
Ankara, January 2008

“Pluralism and Decentralization in Marriage Regulation,” Conference on Multi-Tiered
Marriage, St. Thomas University Law School, November 2007

“Contract Law Theory,” William and Mary University, Marshall-Wythe College of

Law, October 2007

- “Contract Rights and Remedies, and the Divergence Between Law and Morality,”
IVR World Legal Theory Conference, Krakow, Poland, August 2007
- “Contract Rights and Remedies, and the Divergence Between Law and Morality,”
Current Problems in Moral and Legal Theory, Universidad Torcuato di Tella,
Buenos Aires, June 2007
- “Domestic Agreements,” Sidney and Walter Siben Distinguished Professorship Lecture,
Hofstra University School of Law, April 2007
- “The State Interest in Multi-Tiered Marriage,” Conference on Multi-Tiered Marriage,
Pepperdine University Law School, February 2007
- “Legal Theory and Conceptual Analysis,” Macalester College, November 2006
- “Shared Values, ‘Civil Glue,’ and ‘Swinger’s Clubs,’” for Symposium: Community
Standards & the Limits of Harm,” Ottawa, November 2006 (sponsored by The
Centre for Cultural Renewal)
- “Contract Law Theory,” University of Illinois Law Review, September 2006
- “Form and Formalism: The View from Legal Theory,” Cornell Law School, March 2006
- “On Questions and Answers in *Law=s Quandary*,” Notre Dame Law School, March 2006
- “Robert Alexy’s Radbruch,” Gustav Radbruch Symposium, University of Bristol,
January 2006
- “Raz, Authority, and Conceptual Analysis,” *Natural Law and Natural Rights* in
Contemporary Jurisprudence, Princeton University, September 2005
- “Universal Theory in Family Law” and “The Problem of Persuasion: Comment on
Linda McClain, *The Place of Families*,” International Society of Family Law
World Conference, Salt Lake City, July 2005
- “Natural Law and the Constitution” and “Theories of Law and Constitutional
Interpretation,” 29th Midwest Philosophy Colloquium, University of
Minnesota-Morris, April 2005
- “Contract Law Theory,” *Analytical Legal Philosophy Conference*, University of
Texas-Austin, April 2005
- “Everything I Know About Marriage I Learned from Law Professors,” Conference on

- the Meaning of Marriage, University of San Diego Institute for Law and Philosophy, January 2005
- “The *ALI Principles* and Agreements: Seeking a Balance Between Status and Contract,” Conference on the *ALI Principles of Family Dissolution*, Harvard Law School, October 2004
- Participant, “What Makes a Parent?: A Roundtable Discussion,” Cardozo Program in Family Law, Policy and Bioethics, Cardozo Law School, Yeshiva University, June 2004
- “State Interests in Marriage, Interstate Recognition, and Choice of Law,” Conference on Interjurisdictional Recognition of Same-Sex Marriages, Catholic University Law School, May 2004
- Participant, Panel Discussion, “Federalism and Marriage,” University of St. Thomas Law School, sponsored by the Federalist Society, March 2004
- “Background Rules, Incompleteness and Intervention: Comment on Kostritsky,” Freedom from Contract Conference, University of Wisconsin, February 2004
- “The Public and Private Ordering of Marriage,” 18th Annual Symposium of the University of Chicago Legal Forum: Public and Private Faces of Family Law, October 2003
- “Some Reflections on Methodology in Jurisprudence,” Problems of Contemporary Legal Philosophy, UNAM, Mexico City, July 2003
- “State Interest and Marriage: The Theoretical Perspective,” A Conference on Marriage, Democracy, and Families, Hofstra University, March 2003
- “Will versus Reason: Truth in Natural Law, Positive Law, and Legal Theory,” Catholic University, School of Philosophy: The Franklin J. Matchette Foundation Fall 2002 Lecture Series (“Truth”), October 2002
- “Legal Positivism for the 19th, 20th, and 21st Century,” New Perspectives for the Law of the 21st Century, University of Stockholm, May 2002
- “The Past and Future of Legal Positivism,” Inaugural Lecture, on Appointment as the Frederick W. Thomas Professor for the Interdisciplinary Study of Law and Language, University of Minnesota, April 2002
- “Cautions and Caveats on the Application of Wittgenstein to Legal Theory,” Law and Social Justice: 5th Annual Inland Northwest Philosophy Conference, University of Idaho, April 2002
- Comment on Kellogg, “The Construction of Legal Positivism and the Myth of Legal

- Indeterminacy,” American Philosophical Association, Eastern Division Meeting, Atlanta, December 2001
- “Choice of Law and Marriage: A Proposal,” The International Society of Family Law, North American Regional Conference, Kingston, Ontario, June 2001
- “Engagement with Economics: The New Hybrids of Family Law/Law & Economics Thinking,” Commodification Futures: Rethorizing Commodification, University of Denver College of Law, March 2001
- “Reflections on the Nature of Marriage -- With Reference to Dictionaries, Contracts, and Covenants,” Revitalizing the Institution of Marriage for the 21st Century, Brigham Young University Law School, March 2000
- “Conceptual Jurisprudence and Socio-Legal Studies,” Conference on the Work of Brian Tamanaha, Rutgers Law School, March 2000
- “Recent Scholarship on Contract Law: Law and Economics,” AALS Contract Law Conference, Washington, D.C., June 1999
- “The States’ Interest in the Marital Status of Their Citizens,” International Society of Family Law, North American Regional Conference, Albuquerque, June 1999
- Chair and Participant, Panel Discussion of Jack Balkin, *Cultural Software*, Law and Society Association Annual Meeting, Chicago, June 1999
- “Dealing with Incommensurability for Dessert and Desert: Comments on Chapman and Katz,” Symposium on Law and Incommensurability, University of Pennsylvania Law School, February 1998
- “On Description and Legal Reasoning,” Conference on the Work of Frederick Schauer, Quinnipiac Law School, October 1997
- “Questions in Legal Interpretation,” Conference on Law and Interpretation, Tel Aviv University, May 1993

MISCELLANEOUS

Bar Memberships: Massachusetts (1994); Connecticut (1995); Minnesota (2002);
United States Supreme Court (2000)

Member: American Law Institute (elected 1998)

Reporter, Uniform Law Commission, Marital and Premarital Agreements Committee

Co-Series Editor, Cambridge Introductions to Philosophy and Law

Book Review Editor, *Constitutional Commentary*

Co-Editor (with Matthew Adler), “Constitutional Law” and “Jurisprudence, and Legal
Philosophy,” Legal Scholarship Network (LSN) of Electronic Article Abstracts,
Social Science Research Network <http://www.ssrn.com>

Co-General Editor (with William Edmundson), Cambridge Introductions to Philosophy
and Law (Book Series), Cambridge University Press

Co-Editor (originally with Brian Z. Tamanaha, currently with Robin Kar), Jurisprudence
Section, Jotwell, <http://jotwell.com>

Contributor, Family Law Section, Jotwell

Editorial Board, *Legal Theory*; *Law and Philosophy*; *Jurisprudence*; *Journal of
International Commercial Law* (2002-2004); *Panóptica*; *Justice Academy of
Turkey Journal on Law and Justice*; and *IVR Encyclopaedia of Jurisprudence*;
Associate Editor, *Ratio Juris*; Advisory Board, *Explorations in Language
and Law*

International Advisory Board, *Frontiers of Legal Theory* (Law Press, China);

Chair, AALS Section on Family and Juvenile Law, 2008-2009
(Chair-Elect, 2007-2008; Secretary-Treasurer, 2006-2007)

Member, AALS Planning Committee for 2015 Workshop on Shifting Foundations in
Family Law

Member, American Philosophical Association, Committee on Philosophy and Law,
2003-2006

Judge, Australian Legal Philosophy Students' Association Essay Competition
2014 & 2017

Member, ABA Rule of Law and an Independent Judiciary Working Group, 2007
Content Consultant, Red Line Editorial, Ida Walker, *The Death Penalty*

(middle school text)

Quoted in publications including *The Washington Post*, *The Wall Street Journal*,
The Economist, and *The Christian Science Monitor*

Regular Outside Reader for Oxford University Press, Cambridge University Press,
Harvard University Press and University of Chicago Press;
have also worked as an outside reader for Stanford University Press, University of
Wisconsin Press, Aspen Publishers, Routledge, Springer, Prentice Hall, Palgrave
Macmillan, Blackwell Publishing, Sweet & Maxwell, Hart Publishing; Carolina
Academic Press, Bloomsbury Academic Publishing;
Canada Social Sciences and Humanities Research Council, National
Agency for the Evaluation of Universities and Research Institutes (Italy),
Swiss National Science Foundation, Foundation for Polish Science, Israel Science
Foundation, American Law and Economics Association Annual Meeting, Central
States Philosophical Association, Academia Europaea

Harvard Law Review, *Yale Law Journal*, *Stanford Law Review*, *Georgetown Law
Journal*, *Legal Theory*, *Law and Philosophy*, *Ratio Juris*, *Journal of Legal
Analysis*, *Journal of Law and Society*, *Law & Society Review*, *Law and Social
Inquiry*, *Dialogue: Canadian Philosophical Review*, *Law Culture and the
Humanities*, *Journal of Law & Religion*, *Santa Clara Law Review*, *Journal of
Moral Philosophy*, *British Journal of the History of Philosophy*, *International
Journal of the Jurisprudence of the Family*, *Panoptica*, *Anuario Filosófico*,
Current Legal Issues, *Jurisprudence*; *Journal of Law and Courts*; *Dialectica*;
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References

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