

Curriculum Vitae

**Jeffrey Brand-Ballard, J.D., Ph.D.**

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**Education**

Ph.D. (Philosophy)	University of Michigan – Ann Arbor	1999
M.A. (Philosophy)	University of Michigan – Ann Arbor	1995
J.D.	University of Michigan Law School	1995
Visiting Student (full-time)	Yale Law School, New Haven, CT	1993-94
A.B. with honors (Philosophy)	Vassar College, Poughkeepsie, NY	1991
Visiting Student (full-time)	Mansfield College, Oxford University, UK	1990

**Positions Held**

Assistant Professor (tenure-track)	Department of Philosophy The George Washington University	2002-
Affiliated Faculty	Trachtenberg School of Public Policy and Public Administration The George Washington University	2006-
Assistant Professor (tenure-track)	Department of Philosophy and Religious Studies University of Wisconsin – Eau Claire	1999-2002
Graduate Student Instructor	Department of Philosophy University of Michigan – Ann Arbor	1994-5, 97
Adjunct Instructor	Department of Philosophy University of Notre Dame	1996
Attorney, Summer Associate	Abrahamson Vorachek & Mikva Chicago, Illinois	1993-4, 96
Research Assistant	Jules L. Coleman John A. Garver Professor of Jurisprudence and Philosophy Yale Law School	1993-94

## Publications

### Book

*The Ethics of Lawless Judging: Adjudication, Practical Reason, and the Rule of Law* (monograph, under contract with Oxford University Press, submitted to editor for external review, September 2008)

### Articles (\* = refereed)

1. "Innocents Lost: Proportional Sentencing and the Paradox of Collateral Damage" (58-page manuscript, under review)
2. "Why One Basic Principle?" *Utilitas*, vol. 19, no. 2 (2007): 220-242. \*  
Citations:
  - a. "Rule Consequentialism," *Stanford Encyclopedia of Philosophy* (2008).
3. "Contractualism and Deontic Restrictions," *Ethics*, vol. 114, no. 2 (2004): 269-300. \*  
Citations:
  - a. John Oberdiek, "Culpability and the Definition of Deontological Constraints," *Law and Philosophy*, Vol. 27 (2008): 105-22, p. 122 n31.
  - b. "Contractualism," *Stanford Encyclopedia of Philosophy* (2007).
  - c. G.D. Donleavy, "Care, Contracts, and Kohlberg," *International Review of Business Research Papers*, Vol. 3 (2007): 205-21, p. 207.
  - d. Tim Mulgan, *Future People* (Oxford: Oxford University Press, 2006), p. 363.
  - e. Stephen Darwall, *The Second-Person Standpoint* (Cambridge, MA: Harvard University Press, 2006), p. 37, n18.
  - f. Paul Hurley, "Does Consequentialism Make Too Many Demands, Or None at All?," *Ethics*, Vol. 116 (2006): 680-706, p. 702 n32.
  - g. Larry Alexander, "The Jurisdiction of Justice: Two Conceptions of Political Morality," *San Diego Law Review*, Vol. 41 (2004): 949-66, p. 954 n10 ("Nor does contractualism handle the nonrecognition of rights problem, a point ably demonstrated by Jeffrey Brand-Ballard")
  - h. Weblog discussion by Josh Glasgow, Doug Portmore, and Michael Cholbi, "The Full Challenge of the Paradox of Restrictions," PEA Soup, October 24, 2004, [http://peasoup.typepad.com/peasoup/2004/10/the\\_full\\_challe.html](http://peasoup.typepad.com/peasoup/2004/10/the_full_challe.html)
4. "Consistency, Common Morality, and Reflective Equilibrium," *Kennedy Institute of Ethics Journal*, vol. 13, no. 3 (2003): 231-58 (Special Issue: Is There a Common Morality?, Guest Editor: Robert M. Veatch). \*  
Citations:
  - a. Leo Booij and Evert van Leeuwen, "Teamwork and the Legal and Ethical Responsibility of the Anaesthetist," *Current Opinion in Anaesthesiology*, vol. 21 (2008): 178-182, p. 182 n11.
  - b. Oliver Rauprich, "Common Morality: Comment on Beauchamp and Childress," *Theoretical Medicine and Bioethics*, vol. 29 (2008): 43-71, pp. 51, 71.
  - c. K. Danner Clouser, Bernard Gert, Charles M. Culver, *Bioethics: A Systematic Approach*, 2<sup>nd</sup> ed. (Oxford University Press 2006), p. 19.
  - d. Ronald A. Lindsay, "Slaves, Embryos, and Nonhuman Animals: Moral Status and the Limitations of Common Morality Theory," *Kennedy Institute of Ethics Journal*, vol. 15, no. 4 (2005): 323-46, p. 323.

Articles, cont.

- e. David F. Kelly, *Contemporary Catholic Healthcare Ethics*, (Washington, DC: Georgetown University Press, 2004), pp. 86, 87.
5. “Hans Kelsen’s Unstable Alternative to Natural Law: Recent Critiques,” *American Journal of Jurisprudence*, vol. 41 (1996): 133-64. \*
- Citations:
- a. Richard A. Posner, “Kelsen versus Hayek: Pragmatism, Economics, and Democracy” in *Law, Pragmatism, and Democracy* (Cambridge, MA: Harvard University Press, 2003), pp. 250-91, 251-52 n3.
  - b. Michael Steven Green, “Hans Kelsen and the Logic of Legal Systems,” *Alabama Law Review* vol. 54 (2003), pp. 365 n3, 369 n23.
  - c. Aaron Rappaport, “The Logic of Legal Theory: Reflections on the Purpose and Methodology of Jurisprudence,” *Mississippi Law Journal*, vol. 73 (2004): 559-637, p. 610 n108.
  - d. Howard Schweber, *The Language of Liberal Constitutionalism* (Cambridge: Cambridge University Press, 2007), p. 237 n34.
  - e. Isaac I. Dore, *The Epistemological Foundations of Law: Readings and Commentary* (Durham, NC: Carolina Academic Press, 2007), pp. 598ff.
6. “Reconstructing MacKinnon: Essentialism, Humanism, Feminism,” *Southern California Review of Law & Women's Studies*, vol. 6 (1996): 89-172.
- Citations:
- a. Richard Delgado, “Where Is My Body? Stanley Fish's Long Goodbye to Law,” *Michigan Law Review*, vol. 99 (2001), p. 1389 n46.
7. “Legitimacy, Consequentialism, and Conflict of Laws: Lea Brilmayer’s Rights-Based Theory,” *New England Law Review*, vol. 30, No. 1 (1995): 39-84.
- Citations:
- a. Louise Weinberg, “A Structural Revision of the Conflicts Restatement,” *Indiana Law Journal*, vol. 75 (2000), p. 485 n10 (“interesting commentary”)
  - b. Edwin Scott Fruehwald, *Choice of Law for American Courts: A Multilateralist Method* (Hamden, CT: Greenwood Press, 2001), p. 101.

Contributions to Edited Works (\* = refereed)

1. “Euthanasia” in David Levinson, ed., *Encyclopedia of Crime & Punishment* (Thousand Oaks, CA: Sage Reference, 2002), pp. 645-50. \*
2. “Should Judges Listen to Moral Arguments?” in Noel Struchiner, ed., volume of essays from the 2008 International Symposium of Contemporary Legal Theories and Institutional Design, National Law School of the Federal University of Rio de Janeiro (27-page manuscript, forthcoming).

Book Reviews (\* = refereed)

1. Wilfred Waluchow, *A Common Law Theory of Judicial Review*, *Notre Dame Philosophical Reviews* (November 5, 2008), <http://ndpr.nd.edu/review.cfm?id=14605>. \*

Book Reviews, cont.

2. F.M. Kamm, *Intricate Ethics: Rights, Responsibilities, and Permissible Harm*, *Notre Dame Philosophical Reviews* (May 17, 2007), <http://ndpr.nd.edu/review.cfm?id=9763>. \*
3. Garrett Cullity, *The Moral Demands of Affluence*, *Notre Dame Philosophical Reviews* (June 13, 2005), <http://ndpr.nd.edu/review.cfm?id=2881>. \*

**Professional Presentations** (\* = refereed)

1. “Roles, Role Morality, and Judges”
  - National Institutes of Health Joint Bioethics Colloquium, Georgetown University, October 2008
2. “Innocents Lost: Proportional Sentencing and the Paradox of Collateral Damage” \*
  - Stanford/Yale Junior Faculty Forum, Yale Law School, June 2008
3. “Should Judges Listen to Moral Arguments?”
  - Faculty of Law, Federal University of Rio de Janeiro, Brazil, June 2008
  - Fundação Getulio Vargas Law School, São Paulo, Brazil, June 2008
  - University of São Paulo Law School, São Paulo, Brazil, June 2008
  - Pontific Catholic University Law School, São Paulo, Brazil, June 2008
  - School of Federal Magistrates, São Paulo, Brazil, June 2008
  - Rio Branco Institute, Brasilia, Brazil, June 2008
  - Department of Philosophy, University of Brasilia, Brasilia, Brazil, June 2008
4. “Must Judges Respect the Constitution?”
  - Constitution Day Lecture, College of Wooster, Ohio, September 2007
5. “Are Judges Morally Bound to Apply the Law?”
  - Department of Philosophy, Virginia Polytechnic Institute and State University, Blacksburg, November 2006
6. “Favoring, Polarity, and Particularism”
  - American Philosophical Association, Central Division, Chicago, April 2006 \*
  - Bled Philosophy Conference, Bled, Slovenia, 2005 \*
7. “Amartya Sen’s Capabilities Approach”
  - American Political Science Association, Washington, DC, August 2005
  - Cited in Keith Dowding, “Externalism, Expensive Tastes and Equality” in Mark D. White and Barbara Montero, eds. *Economics and the Mind* (London: Taylor and Francis, 2006).
8. “The Intensional-Pragmatic Virtues of Ethical Monism”
  - International Society for Utilitarian Studies, Hanover, NH, August 2005 \*
9. “Legal Formalism, Stage-Neutrality, and Comparative Justice”
  - American Philosophical Association, Central Division, Chicago, 2005 \*
  - Association for Practical and Professional Ethics, San Antonio, TX, 2005 (different title) \*

**Professional Presentations, cont.**

10. "Transcending the Debate Between Inclusive and Exclusive Legal Positivists"
  - American Philosophical Association, Pacific Division, San Francisco, 2005 \*
  - Australian Society for Legal Philosophy, Melbourne, December 2004 \*
11. "Judicial Minimalism and Formal Justice"
  - Midwest Political Science Association, Chicago, 2004 \*
12. "Rules that Bend without Breaking"
  - American Philosophical Association, Pacific Division, Pasadena, CA, 2004 \*
  - Association for Practical and Professional Ethics, Cincinnati, OH, 2004 \*
13. "The Cultural Reception of Judicial Deviance in Recent Establishment Clause Controversies"
  - Association for the Study of Law, Culture, and the Humanities, University of Connecticut School of Law, Hartford, April 2004 (paper prepared but not delivered due to death in the family)
14. "Contractualism and Deontic Restrictions"
  - American Philosophical Association, Pacific Division, San Francisco, 2003 \*
  - International Society for Utilitarian Studies, Lisbon, Portugal, 2003 \*
  - Minnesota Philosophical Society, St. Joseph, 2001 (under different title) \*
15. "Individualism, Accountability, and Collective Legal Subjects"
  - Association for the Study of Law, Culture, and the Humanities, Cardozo Law School, New York, 2003
16. "Law, Religion, and Secular Psychology: Competing Narratives in Interfaith Child Custody Disputes"
  - Association for the Study of Law, Culture, and the Humanities, University of Pennsylvania Law School, 2002
  - Faculty Forum, University of Wisconsin – Eau Claire, 2002
17. "Collective Practical Reason"
  - Department of Philosophy, The George Washington University, Washington, DC, 2002
  - Department of Philosophy, Rice University, Houston, TX, 2002
  - American Philosophical Association, Central Division, Chicago, IL, 2001 \*
18. "Retributive Punishment and the Doctrine of Double Effect"
  - 29<sup>th</sup> Conference on Value Inquiry, Tulsa, OK, 2001
19. "Collective Subjects and Their Interests"
  - Department of Philosophy & Religious Studies, University of Wisconsin – Eau Claire, 1999
  - Department of Philosophy, University of Michigan – Ann Arbor, 1998

### **Professional Presentations, cont.**

20. "Legitimacy, Consequentialism, and Conflict of Laws"
  - Department of Legal Studies, Wharton School of Business, University of Pennsylvania, Philadelphia, 1997

### **Invited Commentaries**

1. Comments on Larry Alexander, "Inculpatory, Exculpatory, and Adjudicative Risks: A Map of the Terrain and an Agenda for Thought," Bi-Annual Symposium in Philosophy, University of North Carolina, Greensboro, 2008
2. Comments on Mark Greenberg, "How Facts Make Law," Special Session in Honor of the Fred Berger Prize of the American Philosophical Association, Pacific Division, San Francisco, 2007
3. Comments on Terry Nardin, "Defending the (International) Rule of Law," Bi-Annual Symposium in Philosophy, University of North Carolina, Greensboro, 2006
4. Comments on Anita Ho, "Disability and Justice," American Philosophical Association, Central Division, Minneapolis, Minn., 2002
5. Comments on Amy Hilden, "What We Have Missed by Taking Kant Too Unseriously: Why Progressive Moral Theory Needs Kant's Metaphysics," Minnesota Philosophical Society, St. Joseph, 2001

### **Honors, Awards, Grants, Fellowships**

#### *External*

1. Invited participant, Faculty Roundtable, "The Rationality of Rule-Following," Institute for Law & Philosophy, University of San Diego, September 2008 (expenses paid)
2. U.S. Speaker and Specialist Grant, U.S. Department of State, June 2008 (\$6,450)
3. Invited participant, Stanford/Yale Junior Faculty Forum, Yale Law School, June 2008 (expenses paid; one of eighteen papers selected in national competition under blind peer-review)

#### *The George Washington University*

1. Junior Scholar Incentive Award, 2006 (\$8,000)
2. University Facilitating Fellowship, 2004 (\$8,249)
3. Faculty Mentor, Luther Rice Fellowship, 2004 (\$1,000)
4. Selected by Columbian College of Arts and Sciences to develop Dean's Seminar for Freshmen, 2003, '04 (\$2,000)

#### *University of Wisconsin – Eau Claire*

5. Outstanding Teaching Award, Department of Philosophy & Religious Studies, 2001 (\$500)
6. Annual Technology Award, Student Senate Information Technology Commission, nominee, 2000
7. University Research and Creative Activity Grant, 2000 (\$2,000)

#### *University of Michigan – Ann Arbor*

8. Predoctoral Fellow, Horace H. Rackham School of Graduate Studies, 1998-99 (\$14,400, tuition, benefits)
9. Andrew W. Mellon Foundation Predoctoral Fellow, 1997-98 (\$14,400, tuition, benefits)
10. One-Term Dissertation Fellow, Horace H. Rackham School of Graduate Studies, 1997 (\$7,500, tuition)
11. Associate Editor, *University of Michigan Journal of Law Reform*, 1992-93

### **Honors, Awards, Grants, Fellowships, cont.**

*Vassar College*

12. Phi Beta Kappa, 1991
13. General Honors, 1991
14. Honors in the Philosophy Major, 1991
15. Philip Nochlin Prize for an Outstanding Senior Thesis in Philosophy, 1991 (\$250)
16. Harry Ordan Memorial Prize for Excellence in the Philosophy Major, 1991 (\$1,000)
17. Ford Foundation Fellowship for Summer Research, 1989 (\$3,000)
18. Nominated by College for Harry S. Truman Scholarship for Public Service Careers, 1989

### **Courses Taught**

1. Philosophy of Law (19x)
2. Social and Political Philosophy (7x)
3. Introduction to Western Philosophy (3x)
4. Theoretical Approaches to Judicial Review (6x)
5. Justifying Punishment (2x)
6. Ethics (9x)
7. Environmental Ethics
8. Environmental Philosophy and Policy
9. 20<sup>th</sup> Century Anglo-American Philosophy
10. 17<sup>th</sup> and 18<sup>th</sup> Century Philosophy
11. Truth and Truthfulness
12. Proseminar in Philosophy

### **Doctoral Dissertation Committees**

1. Robert Leider, Philosophy, Georgetown University (in progress)

### **M.A. Thesis Reader**

1. Nataliya Ioffe, *U.S. Refugee and Asylee Admission Policy: An Ethical Perspective*, M.A.(Public Policy), 2003 (GWU)
2. Ellen Mayo (Nelle) Sandridge, *From Straddling U.S. Boundaries to Enjoying Their Safety: The Social and Economic Rights of Undocumented Immigrants*, M.A. (Public Policy), 2003 (GWU)
3. Timothy McRaith, *Concentric Circle Patterns in Aldo Leopold's A Sand County Almanac and Sketches Here and There*, M.A. (English), 2001 (UW – Eau Claire)

### **B.A. Thesis Adviser**

1. Christopher Bruno, 2006
2. Justin DeRise, 2006
3. Seth Burack, 2006
4. Stephen Wood, 2006
5. David Backer, 2006
6. Catherine Bosley, *A Legal and Ethical Analysis of Interrogative Torture*, 2005

### **Supervised Independent Studies**

1. Rousseau's Philosophical Inconsistencies as Applied in the Governmental Policy of Robespierre (GWU)

### **Supervised Independent Studies, cont.**

2. Personal Identity (UW – Eau Claire)
3. Withholding Medical Treatment from Children for Religious Reasons (UW – Eau Claire)
4. Battered Women’s Syndrome in Interdisciplinary Perspective (UW – Eau Claire)

### **Departmental and University Service**

#### *The George Washington University*

1. Associate Director, Graduate Program in Philosophy and Social Policy, 2004-present
2. CCAS Faculty Advisor, B.A./J.D. Program, 2005-present
3. Co-Chair, Recruitment Committee for Joint Position in Philosophy and Honors, 2006-07
4. Recruitment Committee for Position in Philosophy of Mind and Cognitive Science, 2005-06
4. CCAS Committee on Professional Ethics and Academic Freedom, 2004-06
5. CCAS Student Grievance Review Committee, 2004-06
6. Prepared review of M.A. Program and Departmental Mission Statement for Departmental Self Study, 2004, 2008
7. Prepared proposal for Philosophy and Social Policy B.A./M.A. combined program, 2004
8. Invited speaker, Café Philosophique, 2004 (twice)
9. Departmental Speaker Committee, 2002-present
10. Graduate Admissions Committee, 2002-present
11. Faculty advisor to approximately ten undergraduates each year, 2002-present
12. Departmental webmaster, 2005-present
13. Prepared departmental Contingency and Continuity Plans, 2005-08

#### *University of Wisconsin – Eau Claire*

14. Manuscript Reviewer, Wisconsin Philosophical Association, 2002-03
15. Faculty Awards Committee, College of Arts and Sciences, 2002-03
16. Curriculum Committee, College of Arts and Sciences, 2002-03
17. Faculty Mentor, Blugold Fellowship program, 2002-03
18. Supervising Faculty for History major in History Proseminar, 2001
19. Prepared course updates for Ethics, Philosophy of Law, Environmental Ethics
20. Prepared new course proposal for Philosophical Ethics
21. Faculty Advisor to approximately fifteen students per term, 1999-2002
22. Member, Criminal Justice Studies Coordinating Committee, 1999-2002
23. Faculty Advisor, Eau Claire Philosophical Society, 1999-2002
24. Philosophy Curriculum Committee, 1999-2002
25. Departmental Recruitment Committees, 1999-2002

### **Professional Service**

1. American Philosophical Association Committee on Philosophy and Law, 2004-07
2. Manuscript reviewer: *Kennedy Institute of Ethics Journal* (3x), *Ethics* (2x), *Legal Theory* (3x), *Ethical Theory and Moral Practice*, *Journal of Ethics and Social Philosophy* (2x), *Utilitas*, Oxford University Press (2x), Wadsworth Publishing, Rowman & Littlefield Publishers
3. External reappointment reviewer for Dr. Christopher Ciochetti, Department of Philosophy, Centenary College of Louisiana, 2003



### **Professional Affiliations**

1. American Political Science Association, 2003-
2. AMINTAPHIL (International Association for Philosophy of Law and Social Philosophy), 2003-
3. Association for Practical and Professional Ethics, 2003-
4. British Society for Ethical Theory, 2003-
5. International Society for Utilitarian Studies, 2003-
6. American Society for Political and Legal Philosophy, 2003-
7. Board of Directors, Epilepsy Foundation of Western Wisconsin, 2000-2002
8. American Bar Association, 1996-
9. State Bar of Illinois (inactive status), 1996-
10. American Philosophical Association, 1995-

### **References**

1. Dr. Elizabeth S. Anderson, John Rawls Collegiate Professor of Philosophy and Women's Studies, University of Michigan, 734-764-6285, [eandersn@umich.edu](mailto:eandersn@umich.edu)
2. Dr. James J. Brummer, Professor and Chair, emeritus, Department of Philosophy, University of Wisconsin – Eau Claire, [brummejj@uwec.edu](mailto:brummejj@uwec.edu)
3. Dr. Stephen L. Darwall, Andrew Downey Orrick Professor of Philosophy, Yale University, New Haven, CT, 203-432-1672, [stephen.darwall@yale.edu](mailto:stephen.darwall@yale.edu)
4. Dr. David DeGrazia, Professor and Chair, Department of Philosophy, The George Washington University, Washington, DC, 202-994-6913, [ddd@gwu.edu](mailto:ddd@gwu.edu)
5. Dr. William B. Griffith, Elton Professor of Philosophy and Professor of Public Policy, The George Washington University, Washington, DC, 202-994-8684, [wbg@gwu.edu](mailto:wbg@gwu.edu)
6. Dr. Brad Hooker, Professor of Philosophy, University of Reading, UK, 011-44-0118-378-6631, [b.w.hooker@reading.ac.uk](mailto:b.w.hooker@reading.ac.uk)
7. Jeffrey S. Lehman, J.D., M.P.P., Senior Scholar, Woodrow Wilson International Center for Scholars, Washington, DC, Professor of Law and former President, Cornell University (on leave 2005-08), [jsl64@cornell.edu](mailto:jsl64@cornell.edu)
8. Dr. Peter Railton, John Stephenson Perrin Professor of Philosophy, University of Michigan, 734-763-2122, [prailton@umich.edu](mailto:prailton@umich.edu)