

MATTHEW D. ADLER

Richard A. Horvitz Professor of Law
Professor of Economics, Philosophy and Public Policy
Duke Law School
210 Science Drive, Durham, NC 27708
adler@law.duke.edu

January 2026

EDUCATION:

1988-91 **Yale Law School**

J.D. awarded 1991. Research assistant for Professors Owen Fiss and Paul Gewirtz. Teaching assistant for first-year students. Senior Editor, *Yale Law Journal*.

1984-86 **St. Antony's College, Oxford University**

Marshall Scholar. M. Litt. in Modern History awarded 1987. Thesis topic: British Diplomacy and the Politics of German Unification, 1859-1865.

1980-84 **Yale University**

B.A. in History, *summa cum laude*, with distinction in the major, awarded 1984. One of eleven juniors elected to Phi Beta Kappa.

WORK EXPERIENCE:

2012-present **Duke Law School**, Durham, NC. Richard A. Horvitz Professor of Law, and Professor of Economics, Philosophy and Public Policy. Director, Center for Law, Economics, and Public Policy.

1995-2012 **University of Pennsylvania Law School**, Philadelphia, PA. Assistant Professor 1995-2000; Professor, 2000-2006; appointed Leon Meltzer Professor of Law, 2006.

July 2023 **University of Tokyo**, Japan. Visiting Senior Fellow, Institute of Social Science.

2017-20	London School of Economics , London UK. Ludwig M. Lachmann Professorial Research Fellow, Centre for Philosophy of Natural and Social Science.
June 2015, 2016	London School of Economics , London, UK. Visitor, Centre for Philosophy of Natural and Social Science.
July 2013	Max Planck Institute of Economics , Jena, Germany. Visiting Professor (IMPRS Summer School)
June 2012	Fondation Maison des Sciences de l'Homme . Paris, France. Directeur d'Etudes Associé.
Fall 2011	Duke Law School , Durham, NC. Visiting Professor.
December 2010	Bar-Ilan University Law Faculty , Tel Aviv, Israel. Visiting Professor.
Spring 2009	Columbia University Law School , New York, NY. James S. Carpentier Visiting Professor
Spring 2003	University of Chicago Law School , Chicago, IL. Visiting Professor.
Fall 2002	University of Virginia Law School , Charlottesville, VA. Visiting Professor.
1994	Paul, Weiss, Rifkind, Wharton & Garrison , New York, N.Y. Associate, litigation department.
1992-93	Justice Sandra Day O'Connor, U.S. Supreme Court . Law clerk.
1991-92	Judge Harry Edwards, U.S. Court of Appeals for the D.C. Circuit . Law clerk.
1990	Onek, Klein & Farr , Washington, D.C. Summer associate.
1986-88	Oliver, Wyman & Co. , New York, N.Y. Management consultant.

HONORS AND AWARDS:

2023	Duke Law Faculty Award for Excellence in Scholarly Research , Duke Law School
2016	Ludwig M. Lachmann Professorial Research Fellowship , London

School of Economics (for academic years 2017-20)

- 2010 **A. Leo Levin Award for Excellence in an Introductory Course**,
University of Pennsylvania Law School
- 2007 **Christian R. and Mary F. Lindback Foundation Award for Distinguished Teaching**, one of eight awarded to University of Pennsylvania faculty (four in the non-health schools, four in the health schools)
- 2001, 2006 **Harvey Levin Memorial Award for Teaching Excellence**, University of Pennsylvania Law School.
- 1997, 1999 **Presidential Fellow**, Salzburg Seminar.
- 1990 **Coker Fellow**, Yale Law School (teaching assistant for first-year students).
- 1984 **Marshall Scholar**, one of thirty funded by the British government for two years study at a British university.
- John Spangler Nicholas Cup**, for the senior in Trumbull College, Yale University, with the highest academic rank.

PUBLICATIONS:

- Books:*
- Risk, Death, and Well-Being: The Ethical Foundations of Fatality Risk Regulation** (Oxford University Press, 2025)
- Prioritarianism in Practice** (Cambridge University Press, 2022) (co-edited with Ole F. Norheim)
- Measuring Social Welfare: An Introduction** (Oxford University Press, 2019)
- The Oxford Handbook of Well-Being and Public Policy** (Oxford University Press, 2016) (co-edited with Marc Fleurbaey)
- Well-Being and Fair Distribution: Beyond Cost-Benefit Analysis** (Oxford University Press, 2012)
- The Rule of Recognition and the U.S. Constitution** (Oxford University Press, 2009) (co-edited with Kenneth Himma)

New Foundations of Cost-Benefit Analysis (Harvard University Press, 2006) (co-authored with Eric Posner)

Cost-Benefit Analysis: Legal, Economic and Philosophical Perspectives (University of Chicago Press, 2000) (co-edited with Eric Posner)

Articles and Book Chapters:

Ex Post Approaches to Prioritarianism and Sufficiencyarianism, 20 **Theoretical Economics** 1367 (2025) (co-authored with Walter Bossert, Susumu Cato, and Kohei Kamaga)

Fair Innings: An Empirical Test, 34 **Health Economics** 1350 (2025) (co-authored with Maddalena Ferranna, James Hammitt, Eugénie de Laubier, and Nicolas Treich)

Prioritarianism as a Theory of Value, **Stanford Encyclopedia of Philosophy** (2025) (co-authored with Nils Holtug) (available at <https://plato.stanford.edu/entries/prioritarianism/>)

Narrowly Person-Affecting Axiology: A Reconsideration, 41 **Economics & Philosophy** 119 (2025)

Social Welfare Functions and Health Policy: A New Approach, 15 (S1) **Journal of Benefit-Cost Analysis** 26 (2024)

Cost-Benefit Analysis, in **The Cambridge Handbook of Constitutional Theory** 470 (Richard Bellamy and Jeff King eds., Cambridge University Press, 2024)

How to Balance Lives and Livelihood, in **Pandemic Ethics: From COVID-19 to Disease X** 189 (Dominic Wilkinson and Julian Savulescu eds., Oxford University Press, 2023) (co-authored with Richard Bradley, Maddalena Ferranna, Marc Fleurbaey, James Hammitt, Remi Turquier, and Alex Voorhoeve)

Age and the Social Value of Risk Reduction: Three Perspectives, in **Ageing without Ageism: Conceptual Puzzles and Policy Proposals** 53 (Greg Bognar and Axel Gosseries eds., Oxford University Press, 2023)

Age and the Value of Life, in **The Routledge Handbook of the**

Economics of Ageing 566 (David E. Bloom, Alfonso Sousa-Poza, and Uwe Sunde eds., 2023) (co-authored with Maddalena Ferranna and James Hammitt)

“Better the Devil You Know”: Are Stated Preferences over Health and Happiness Determined by How Happy and Healthy People Are?, 303 **Social Science and Medicine** 115015 (2022) (co-authored with Paul Dolan, Amanda Henwood, and Georgios Kavetsos)

Claims across Outcomes and Population Ethics, in **The Oxford Handbook of Population Ethics** 320 (Gustaf Arrhenius, Krister Bykvist, Tim Campbell and Elizabeth Finneron-Burns eds., Oxford University Press, 2022)

Theory of Prioritarianism, in **Prioritarianism in Practice** 37 (Matthew D. Adler and Ole F. Norheim eds., Cambridge University Press, 2022)

Well-Being Measurement, in **Prioritarianism in Practice** 128 (Matthew D. Adler and Ole F. Norheim eds., Cambridge University Press, 2022) (co-authored with Koen Decancq)

The Social Welfare Function: A New Tool for Regulatory Policy Analysis, in **Theories of Choice: The Social Science and the Law of Decision Making** 155 (Stefan Grundmann and Philipp Hacker eds., Oxford University Press, 2021)

Fair Innings? The Utilitarian and Prioritarian Value of Risk Reduction over a Whole Lifetime, 75 **Journal of Health Economics** 102412 (2021) (co-authored with Maddalena Ferranna, James Hammitt, and Nicolas Treich)

Quality Adjusted Life Years Based on Health and Consumption: A Summary Wellbeing Measure for Cross-Sectoral Economic Evaluation, 30 **Health Economics** 70 (2021) (co-authored with Richard Cookson, Ieva Skarda, Owen Cotton-Barrett, Miqdad Asaria, and Toby Ord)

What Should We Spend to Save Lives in a Pandemic? A Critique of the Value of Statistical Life, 33 **CovidEconomics** (June 2020) (available at <https://cepr.org/content/covid-economics-vetted-and-real-time-papers-0>)

Extended Preferences and the Valuation of Health, in **Measuring the Global Burden of Disease: Philosophical Dimensions** 86 (Nir Eyal et al. eds., Oxford University Press, 2020)

Years of Good Life Based on Consumption and Health: A Practical Well-Being Metric for Economic Evaluation, in *ibid.* p. 126 (co-authored with Richard Cookson, Owen Cotton-Barrett, Miqdad Asaria, and Toby Ord)

Social Welfare Functions, in **Global Health Priority-Setting: Beyond Cost-Effectiveness** 123 (Ole F. Norheim, Ezekiel Emanuel, and Joseph Millum eds., Oxford University Press, 2019)

Cost-Benefit Analysis and Social Welfare Functions, in **The Oxford Handbook of Ethics and Economics** 399 (Mark D. White ed., Oxford University Press, 2019)

Prioritarianism: A Response to Critics, 18 **Politics, Philosophy and Economics** 101 (2019) (co-authored with Nils Holtug)

The Contribution of the Social Sciences to Policy and Institutional Change, in **Rethinking Society for the 21st Century: Report of the International Panel on Social Progress**, vol. 3: 847 (Cambridge University Press, 2018) (coordinating lead chapter author, with Helga Nowotny)

Utilitarianism, Prioritarianism, and Climate Change: A Brief Introduction, in **Climate Change and its Impacts: Risks and Inequalities** 69 (Colleen Murphy, Paolo Gardoni, and Robert McKim eds., Springer, 2018)

Prioritarianism: Room for Desert? 30 **Utilitas** 172 (2018)

Priority for the Worse-Off and the Social Cost of Carbon, 7 **Nature Climate Change** 443 (2017) (co-authored with David Anthoff, Valentina Bosetti, Greg Garner, Klaus Keller, and Nicolas Treich)

Would You Choose to Be Happy? Tradeoffs Between Happiness and the Other Dimensions of Life in a Large Population Survey, 139 **Journal of Economic Behavior and Organization** 60 (2017) (co-authored with Paul Dolan and Georgios Kavetsos)

Utilitarianism, Prioritarianism, and Intergenerational Equity: A Cake Eating Model, 87 **Mathematical Social Sciences** 94 (2017) (co-authored with Nicolas Treich)

Benefit-Cost Analysis and Distributional Weights: An Overview, 10 **Review of Environmental Economics and Policy** 264 (2016)

Behavioral Economics, Happiness Surveys, and Public Policy, 7 **Journal of Benefit-Cost Analysis** 196 (2016)

Extended Preferences, in **The Oxford Handbook of Well-Being and Public Policy** 476 (Matthew Adler and Marc Fleurbaey eds., Oxford University Press, 2016)

Aggregating Moral Preferences, 32 **Economics and Philosophy** 283 (2016)

Prioritarianism and Climate Change, 62 **Environmental and Resource Economics** 279 (2015) (co-authored with Nicolas Treich)

The Ethical Value of Risk Reduction: Utilitarianism, Prioritarianism, and Cost-Benefit Analysis, in **Ethics and Risk Management** 9 (Lina Svedin ed., Information Age Publishing, 2015)

Welfarism, Equity, and the Choice between Statistical and Identified Victims, in **Identified versus Statistical Lives: An Interdisciplinary Perspective** 53 (I. Glenn Cohen, Norman Daniels, and Nir Eyal eds., Oxford University Press, 2015)

Value and Cost-Benefit Analysis, in **Oxford Handbook of Value Theory** 317 (Iwao Hirose and Jonas Olson eds., Oxford University Press, 2015)

Equity by the Numbers: Measuring Poverty, Inequality, and Injustice, 66 **Alabama Law Review** 551 (2015) (based on my Meador Lecture, delivered April 2014)

Extended Preferences and Interpersonal Comparisons: A New Account, 30 **Economics and Philosophy** 123 (2014)

The Social Value of Mortality Risk Reduction: VSL versus the Social Welfare Function Approach, 35 **Journal of Health Economics** 82 (2014) (co-authored with James Hammitt and Nicolas Treich)

Happiness, Health and Leisure: Valuing the Nonconsumption Impacts of Unemployment, in **Does Regulation Kill Jobs?** 150 (Cary Coglianese, Adam Finkel and Chris Carrigan eds., University of Pennsylvania Press, 2013)

Happiness Surveys and Public Policy: What's the Use? 62 **Duke Law Journal** 1509 (2013)

Interpretive Contestation and Legal Correctness, 53 **William and Mary Law Review** 1115 (2012) (based on my Cutler Lecture)

Regulatory Theory, in **A Companion to Philosophy of Law and Legal Theory** 590 (Dennis Paterson ed., 2d ed., Cambridge University Press 2010)

Future Generations: A Prioritarian View, 77 **George Washington Law Review** 1478 (2009) (contribution to symposium on future generations)

Social Facts, Constitutional Interpretation, and the Rule of Recognition, in **The Rule of Recognition and the U.S. Constitution** 193 (Matthew D. Adler and Kenneth Einar Himma eds., Oxford University Press, 2009)

Happiness Research and Cost-Benefit Analysis, 37 **Journal of Legal Studies** S253 (2008) (co-authored with Eric Posner) (contribution to symposium on happiness) (also published in **Law and Happiness** (Eric Posner & Cass Sunstein eds., University of Chicago Press 2010))

Bounded Rationality and Legal Scholarship, in **Theoretical Foundations of Law and Economics** 137 (Mark White ed., Cambridge University Press, 2009).

Risk Equity: A New Proposal, 32 **Harvard Environmental Law Review** 1 (2008)

Inequality and Uncertainty: Theory and Legal Applications, 155 **University of Pennsylvania Law Review** 279 (2006) (co-authored with Chris Sanchirico)

Policy Analysis for Natural Hazards: Some Cautionary Lessons from Environmental Policy Analysis, 56 **Duke Law Journal** 1 (2006) (contribution to symposium on Hurricane Katrina)

Welfare Polls: A Synthesis, 81 **N.Y.U. Law Review** 1875 (2006)

Constitutional Fidelity, The Rule of Recognition, and the Communitarian Turn in Contemporary Positivism, 75 **Fordham Law Review** 1671 (2006) (contribution to symposium on the internal point of view)

Popular Constitutionalism and the Rule of Recognition: Whose Practices Ground U.S. Law?, 100 **Northwestern Law Review** 719 (2006)

QALYs and Policy Evaluation: A New Perspective, 6 **Yale Journal of**

Health Policy, Law, and Ethics 1 (2006)

Equity Analysis and Natural Hazards Policy, in **On Risk and Disaster: Lessons from Hurricane Katrina** 129 (Ronald Daniels et al., eds., 2006)

Justification, Legitimacy and Administrative Governance, **Issues in Legal Scholarship** (The Reformation of American Administrative Law) (2005), available at <http://www.bepress.com/ils/iss6/art3>

Against "Individual Risk": A Sympathetic Critique of Risk Assessment, 153 **University of Pennsylvania Law Review** 1121 (2005)

Fear Assessment: Cost-Benefit Analysis and the Pricing of Fear and Anxiety, 79 **Chicago-Kent Law Review** 977 (2004) (contribution to symposium on interdisciplinary legal scholarship)

Constitutional Existence Conditions and Judicial Review, 89 **Virginia Law Review** 1105 (2003) (co-authored with Michael Dorf)

Legal Transitions: Some Welfarist Remarks, 13 **Journal of Contemporary Legal Issues** 5 (2003) (contribution to symposium on legal transitions)

Risk, Death and Harm: The Normative Foundations of Risk Regulation, 87 **Minnesota Law Review** 1293 (2003)

Does the Constitution Require (Basic or Strengthened) Public Rationality?, in **Linking Law and Political Science** (Christoph Engel & Adrienne Heritier eds., 2003)

The Puzzle of Ex Ante Efficiency: Does Rational Approvability have Moral Weight?, 151 **University of Pennsylvania Law Review** 707 (2003)

State Sovereignty and the Anti-Commandeering Cases, 574 **Annals of the American Academy for Political and Social Science** 158 (March 2001)

Rights, Rules and the Structure of Constitutional Adjudication: A Response to Professor Fallon, 113 **Harvard Law Review** 1371 (2000)

Beyond Efficiency and Procedure: A Welfarist Theory of Regulation, 28 **Florida State University Law Review** 241 (2000) (contribution to symposium on regulatory theory, with responses by Rob Atkinson and Dan Rodriguez)

Personal Rights and Rule-Dependence: Can the Two Coexist?, 6 **Legal Theory** 337 (2000)

Expressive Theories of Law: A Skeptical Overview, 148 **University of Pennsylvania Law Review** 1363 (2000) (with a response by Elizabeth Anderson and Richard Pildes)

Implementing Cost-Benefit Analysis when Preferences are Distorted, 29 **Journal of Legal Studies** 1105 (2000) (co-authored with Eric Posner) (also published as a chapter in **Cost-Benefit Analysis: Legal, Economic and Philosophical Perspectives**)

Rethinking Cost-Benefit Analysis, 109 **Yale Law Journal** 165 (1999) (co-authored with Eric Posner). Excerpted in **Jurisprudence: Classical and Contemporary** (Robert Hayman et al., 2d ed., 2002)

The New Etiquette of Federalism: New York, Printz and Yeskey, 1998 **Supreme Court Review** 71 (co-authored with Seth Kreimer)

Rights Against Rules: The Moral Structure of American Constitutional Law, 97 **Michigan Law Review** 1 (1998)

Incommensurability and Cost-Benefit Analysis, 146 **University of Pennsylvania Law Review** 1371 (1998)

Judicial Restraint in the Administrative State: Beyond the Countermajoritarian Difficulty, 145 **University of Pennsylvania Law Review** 759 (1997)

What States Owe Outsiders, 20 **Hastings Constitutional Law Quarterly** 391 (1993)

Working Papers:

Assessing the Distribution of Impacts in Global Benefit-Cost Analysis: Supplement (2017) (supplement to working paper for Gates Foundation project on Benefit-Cost Analysis Reference Case Guidance) (available at <https://sites.sph.harvard.edu/bcaguidelines/methods-and-cases/>)

A Better Calculus for Regulators: From Cost-Benefit Analysis to the Social Welfare Function (2017) (available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2923829)

Justice, Claims and Prioritarianism: Room for Desert? (2016) (available

at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2859553)

Cost-Benefit Analysis and Distributional Weights: An Overview (2013)
(available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2467673)

The Pigou-Dalton Principle and the Structure of Distributive Justice
(2013) (available at
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2263536)

Harsanyi 2.0 (2011) (available at
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1905087)

Introducing a “Different Lives” Approach to the Valuation of Health and Well-Being (2008) (co-authored with Paul Dolan) (available at
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1112636)

Well-Being, Inequality and Time: The Time Slice Problem and its Policy Implications (2007) (available at
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1006871)

Why De Minimis? (2007) (available at
http://ssrn.com/sol3/papers.cfm?abstract_id=992878)

Comments, Book Reviews, Introductions, and Other Short Publications:

Law and Prioritarianism, **Elgar Concise Encyclopedia of Legal Theory and Philosophy** (forthcoming)

Choosing Well: The Good, the Bad, and the Trivial (book review), **Notre Dame Philosophical Reviews** (2025)

What Public Policy Can Be: An Interview with Matthew Adler, 16 **Erasmus Journal for Philosophy and Economics** (2023) (conducted by Mans Abrahamson and Akshath Jitendranath)

Welfare Theory, Public Action, and Ethical Values (book review), 29 **European Journal of the History of Economic Thought** 569 (2022)

Introduction, in **Prioritarianism in Practice** 1 (Matthew D. Adler and Ole F. Norheim eds., Cambridge University Press, 2022) (co-authored with Ole Norheim)

Interview of Allan Gibbard (with John Weymark) in **Conversations on Social Choice and Welfare** 1: 171 (Marc Fleurbaey and Maurice Salles)

eds., Springer, 2021)

Assessing the Well-Being Impacts of the Covid-19 Pandemic and Three Policy Types: Suppression, Control, and Uncontrolled Spread (T20 Policy Brief; Task Force 4: Social Cohesion and the State) (2020) (co-authored with Richard Bradley, Maddalena Ferranna, Marc Fleurbaey, and James Hammitt) (available at https://t20saudiArabia.org.sa/en/briefs/Documents/T20_TF4_PB8.pdf)

The Smooth Value of Lumpy Goods (commentary on Lee Fennell, *Slices and Lumps*), **University of Chicago Law Review Online** (2020) (available at <https://lawreviewblog.uchicago.edu/tag/slices-and-lumps-symposium/>)

In Pursuit of Social Progress and Response, 34 **Economics and Philosophy** 443, 477 (2018) (co-authored with Marc Fleurbaey)

Introduction, in **The Oxford Handbook of Well-Being and Public Policy** 1 (Matthew D. Adler and Marc Fleurbaey eds., Oxford University Press 2016) (co-authored with Marc Fleurbaey)

Happiness and the Law (book review), 53 **Journal of Economic Literature** 188 (2015)

Well-Being Thresholds and Moral Philosophy (book review of *The Basic Minimum*), 12 **Journal of Moral Philosophy** 1 (2015)

Using and Improving the Social Cost of Carbon, 346 **Science** 1189 (2014) (co-authored with William Pizer, Joseph Aldy, David Anthoff, Maureen Cropper, Kenneth Gillingham, Michael Greenstone, Brian Murray, Richard Newell, Richard Richels, Arden Rowell, Stephanie Waldhoff, Jonathan Wiener)

A Theory of Fairness and Social Welfare (book review), 4 **Oeconomia: History, Methodology, Philosophy** 77 (2014)

Cost-Benefit Analysis, in **Encyclopedia of Philosophy and the Social Sciences** (Byron Kaldis ed., Sage, 2013).

Imposing Values (book review), 120 **Ethics** 831 (2010)

Contingent Valuation Studies and Health Policy, 5 **Health Economics, Policy and Law** 123 (2010)

Introduction, in **The Rule of Recognition and the U.S. Constitution** xiii

(Matthew D. Adler and Kenneth Einar Himma eds., Oxford University Press 2009) (co-authored with Ken Himma)

New Foundations of Cost-Benefit Analysis, 3 **Regulation and Governance** 72 (2009) (co-authored with Eric Posner)

On (Moral) Philosophy and American Legal Scholarship, in **On Philosophy in American Law** 114 (Jay Mootz ed., Cambridge University Press, 2009)

Corrective Justice and Liability for Global Warming, 155 **University of Pennsylvania Law Review** 1859 (2007)

Policy Analysis for Natural Hazards: Some Cautionary Lessons from Environmental Policy Analysis, 32 **Administrative and Regulatory Law News** 11 (2007)

Economic Growth and the Interests of Future (and Past and Present) Generations: A Comment on Tyler Cowen, 74 **University of Chicago Law Review** 41 (2007)

Cost-Benefit Analysis, in 1 **Encyclopedia of Law and Society: American and Global Perspectives** 305 (David S. Clark ed., Sage Publications, 2007)

Cost-Benefit Analysis: New Foundations, in 42/43 **Legislacao: Cadernos de Ciencia de Legislacao** 63 (2006) (publishing Proceedings of the Conference on Legal Evaluation, held in Lisbon, January 2005).

Introduction to Conference Report on White House Review of Regulation (report of conference on OIRA review held at Penn Law in December 2006, introduction co-authored with Cary Coglianese)

Cognitivism, Controversy and Moral Heuristics, 28 **Behavioral and Brain Sciences** 542 (2005)

Fairness Versus Welfare (book review), 115 **Ethics** 824 (2005)

Incorporating Fear Assessment into Cost-Benefit Analysis, 29 **Administrative and Regulatory Law News** 4 (2004)

Cost-Benefit Analysis, Static Efficiency and the Goals of Environmental Law, 31 **Boston College Environmental Affairs Law Review** 591 (2004)

Preferences and Rational Choice: Introduction, 151 **University of Pennsylvania Law Review** 707 (2003) (co-authored with Claire Finkelstein and Peter Huang)

Rights, Wrongs and Responsibilities (book review), **Notre Dame Philosophical Review** (2002)

The Positive Political Theory of Cost-Benefit Analysis: A Comment on Johnston, 150 **University of Pennsylvania Law Review** 1429 (2002)

Risk, Death and Time: A Comment on Judge Williams' Defense of Cost-Benefit Analysis, 53 **Administrative Law Review** 271 (2001)

Expression and Appearance: A Comment on Hellman, 60 **Maryland Law Review** 688 (2001)

Linguistic Meaning, Nonlinguistic "Expression," and the Multiple Variants of Expressivism: A Reply to Professors Anderson and Pildes, 148 **University of Pennsylvania Law Review** 1577 (2000)

Rights and Rules: An Overview, 6 **Legal Theory** 241 (2000) (co-authored with Michael Dorf)

Cost-Benefit Analysis: Introduction, 29 **Journal of Legal Studies** 837 (2000) (co-authored with Eric Posner)

The Problematics of Moral and Legal Theory (book review), 20 **Philosophy in Review** 142 (2000)

Incommensurability, Incomparability and Practical Reason (book review), 19 **Philosophy in Review** 168 (1999)

Can Constitutional Borrowing be Justified? A Comment on Tushnet, 2 **University of Pennsylvania Journal of Constitutional Law** 350 (1998)

Law and Incommensurability: Introduction, 146 **University of Pennsylvania Law Review** 1169 (1998)

SCHOLARLY PRESENTATIONS:

"Social Welfare Functions and Health Policy" presented to Society for Risk Analysis conference, December 2025

“Pigou-Dalton and Separability: Is Equity-Regarding Moral Betterness Separable Across Persons?” presented to Normative Economics and Economic Policy workshop, December 2025

“Lifetime Prioritarianism, Dual Aggregation, and Animal Well-Being” presented to PPE conference, November 2025

Critic in author-meets-critics session on *The Social Cost of Carbon* (book by Paul Kelleher), PPE conference, November 2025

“Lifetime Prioritarianism, Dual Aggregation, and Animal Well-Being” presented to Ethics and Public Policy workshop, November 2025

“Risk, Death and Well-Being,” author meets critics session, Duke Philosophy Department, October 2025

“Pigou-Dalton and Separability: Is Equity-Regarding Moral Betterness Separable Across Persons?” presented to McGill Axiology conference, September 2025

“Lifetime Prioritarianism, Dual Aggregation, and Animal Well-Being” presented to conference on the Economics of Animal Welfare, June 2025

“Social Welfare Functions and Health Policy” presented to Southern Economic Association conference, November 2024

“Social Welfare Functions and Health Policy” presented as part of Society for Benefit-Cost Analysis Webinar, November 2024

“Narrowly Person-Affecting Axiology: A Reconsideration” presented to workshop, Economics Department, University of Arizona, November 2024

“Social Welfare Functions and Health Policy” presented to annual conference, Bergen Centre for Ethics and Priority Setting in Health, June 2024

“Person-Affecting Axiology and Prioritarianism” presented to conference, International Society for Utilitarian Studies, June 2024

“Claims Across Outcomes and Well-Being Incomparability” presented to workshop, Philosophy Department, Lund University, June 2024

“Claims Across Outcomes and Well-Being Incomparability” presented to workshop, Institute for Futures Studies, June 2024

“Narrowly Person-Affecting Axiology: A Reconsideration” presented to workshop, Philosophy Department, Princeton University, April 2024

“The Limits of Distributional Weights” presented to Society for Benefit-Cost Analysis conference, April 2024

“Social Welfare Functions and Health Policy: An Overview” presented to Society for Environmental Law and Economics conference, March 2024

“Narrowly Person-Affecting Axiology: Paretian, Equity-Regarding, Desert-Neutral, Repugnant,” Economics and Public Policy Webinar, January 2024

“Person-Affecting Consequentialism and Claims” presented to American Philosophical Association Conference, January 2024

“Social Welfare Functions and Health Policy” presented to workshop, Paris School of Economics, November 2023

“Person-Affecting Consequentialism: Paretian, Equity-Regarding, Desert-Neutral, Repugnant” presented to workshop, Center for Population-Level Bioethics, Rutgers University, November 2023

“Person-Affecting Consequentialism and Claims” presented to PPE Conference, November 2023

“Person-Affecting Consequentialism: Paretian, Equity-Regarding, Desert-Neutral, Repugnant” presented to Axiology Conference, McGill University, September 2023

“Person-Affecting Consequentialism: Equity-Regarding, Desert-Neutral, Repugnant,” keynote address, conference on Normative Measurements and Social Science, Institute of Social Science, University of Tokyo, July 2023

“Social Welfare Functions and Health Policy” presented to workshop, Center for Health Decision Science, Harvard T.H. Chan School of Public Health, April 2023

“Person-Affecting Consequentialism: Equity-Regarding, Desert-Neutral, Repugnant,” Grand-Est Economics and Philosophy Webinar, February

2023

“Social Welfare Functions and Health Policy,” Normative Economics and Economic Policy Webinar, February 2023

“Measuring Social Welfare,” author meets critics session, PPE Conference, November 2022

“Prospects for Luck Prioritarianism” presented to PPE Conference, November 2022

“Risk, Death and Well-Being” book manuscript presented to workshop, Institute for Futures Studies, October 2022

“Person-Affecting Consequentialism: Equity-Regarding, Desert-Neutral, Repugnant” presented to workshop, Institute for Futures Studies, October 2022

“Measuring Social Welfare, with Priority for the Worse Off” presented to workshop, Law and Science series, Indiana University, October 2022

“Measuring Social Welfare, with Priority for the Worse Off,” keynote lecture, National Conference of Effectiveness Research, University of Eastern Finland, October 2022

“Social Welfare Functions and Health Policy” presented to FDA workshop, September 2022

“Risk, Death and Well-Being” book manuscript presented to workshop, Center for Law, Economics and Public Policy, Duke University, September 2022

“Social Welfare Functions” presented to Brocher Foundation Summer Academy, June 2022

“Risk Death and Well-Being” book manuscript presented to Global Priorities Institute, Oxford University, June 2022

“Measuring Social Welfare, with Priority for the Worse Off,” lecture, University of York, June 2022

“Risk, Death and Well-Being” book manuscript presented to workshop, Centre for Health Economics, University of York, June 2022

“Prioritarianism in Practice” presented to seminar, International Inequalities Institute, London School of Economics, May 2022

“Person-Affecting Consequentialism: Equity-Regarding, Desert-Neutral, Repugnant” presented to workshop, Centre for Ethics, Philosophy, and Public Affairs (CEPPA), University of St. Andrews, May 2022

“Risk, Death, and Well-Being” book manuscript presented to research seminar, Department of Philosophy, Logic and Scientific Method, London School of Economics, May 2022

“Measuring Social Welfare, with Priority for the Worse Off,” lecture, CSER (Centre for the Study of Existential Risk), Cambridge University, May 2022

“Risk, Death and Well-Being” book manuscript presented to workshop, CSER (Centre for the Study of Existential Risk), Cambridge University, May 2022

“Person-Affecting Consequentialism: Equity-Regarding, Desert-Neutral, Repugnant” presented to workshop, Department of Philosophy, Logic and Scientific Method, London School of Economics, May 2022

“Person-Affecting Consequentialism: Equity-Regarding, Desert-Neutral, Repugnant” presented to workshop, Erasmus Institute for Philosophy and Economics, May 2022

“Risk, Death and Well-Being” book manuscript presented to Oxford Jurisprudence Discussion Group, May 2022

“The Social Value of Risk Reduction versus VSL” presented to Society for Benefit-Cost Analysis Conference, March 2022

“Person-Affecting Consequentialism: Equity-Regarding, Desert-Neutral, Repugnant,” keynote address, Formal Ethics Conference, January 2022

“Using Prioritarian Social Welfare Functions for Policy Analysis” presented to Society for Benefit-Cost Analysis European Conference, October 2021

“The Ethical Foundations of Fatality Risk Regulation: Utilitarianism, Prioritarianism, Cost-Benefit Analysis” presented to workshop, Duke-Margolis seminar, October 2021

“Luck Prioritarianism and Claims” presented to workshop, Institute for Futures Studies, Stockholm, June 2021

“Fair Innings?” The Utilitarian and Prioritarian Value of Risk Reduction over a Whole Lifetime” presented to SELE (Society for Environmental Economics) conference, June 2021

“Fair Innings?” The Utilitarian and Prioritarian Value of Risk Reduction over a Whole Lifetime” presented to Law, Economics and Organization workshop, Yale Law School, March 2021

“Measuring Social Welfare” presented to Society for Benefit-Cost Analysis conference, March 2021

“Using Prioritarian SWFs for Policy Analysis” presented to Society for Benefit-Cost Analysis Conference, March 2021

“Prioritarianism and Policy” presented to workshop series on Science and Values in Climate Risk Management, Penn State University, February 2021

“Measuring Social Welfare” presented to workshop series on Theories of Regulation and Governance, Hebrew University, Jerusalem, February 2021

Comment on paper by Jacob Nebel, “Aggregation without Interpersonal Comparisons of Well-Being,” Conference on Social Choice Theory and Applications, February 2021

“Prioritarianism and Policy,” presented to workshop, IAST (Institute for Advanced Study), Toulouse, December 2020

“Health vs. Economy in the Pandemic,” presented to the Cornell Program on Ethics and Public Life, October 2020

“The Structure of Luck Prioritarianism” presented to the DRI Seminar, Paris, June 2020

“The Ethical Value of Fatality Risk Regulation” presented to workshop, CSER (Centre for the Study of Existential Risk), Cambridge, UK, June 2020

“Welfarism, Cost-Benefit Analysis, and Covid-19” presented to University of Chicago law and economics workshop, May 2020

“The Smooth Value of Lumpy Goods” presented to conference on Lee Fennell’s book *Slices and Lumps*, University of Chicago Law School, November 2019

“Animal Well-Being and the Frameworks of Welfare Economics” presented to conference, Animals and Social Welfare, Duke Law School, November 2019

“Utilitarianism, Prioritarianism and Climate Policy” presented to workshop, MCC (Mercator Research Institute on Global Commons and Climate Change), Berlin, September 2019

“Integrating Ethics into Economic Modelling: The Social Welfare Function,” keynote address presented to a conference on Divergent Values in Sustainability Assessments organized by the MCC (Mercator Research Institute on Global Commons and Climate Change), Berlin, September 2019

“Fair Innings: The Utilitarian and Prioritarian Value of Risk Reduction over a Whole Lifetime” presented to the NYU law and economics workshop, September 2019

“Well-Being and Constitutionalism” presented to workshop, Duke Law School, July 2019

“Well-Being and Constitutionalism” presented to conference on foundational concepts in constitutional theory, University College London, July 2019

“Fair Innings? The Utilitarian and Prioritarian Value of Risk Reduction over a Whole Lifetime” presented at EAERE annual conference, Manchester, June 2019

“Utilitarianism, Prioritarianism, and Climate Policy,” lecture to summer school on climate change, Warwick Business School, June 2019

“Prioritarianism: Room for Desert?” presented to workshop on prioritarianism, University of Copenhagen, June 2019

“Prioritarianism: A Response to Critics,” presented to workshop, Institute of Philosophy, University College London, June 2019

“Claims Across Outcomes and Population Ethics” presented to workshop

on Evaluating Extreme Technological Risks, Centre for the Study of Existential Risk, Cambridge, June 2019

“The Structure of Luck Prioritarianism” presented to workshop, THEMA, University of Cergy-Pontoise, May 2019.

“The Ethical Value of Fatality Risk Regulation” presented to workshop, Global Priorities Institute, Oxford, May 2019

“Theory of Prioritarianism” and “Well-Being Measurement” presented to workshop, Prioritarianism in Practice Research Network, Bergen, Norway, May 2019

“The Ethical Value of Fatality Risk Regulation” presented to workshop, Department of Philosophy, Logic and Scientific Method, London School of Economics, May 2019

“A Better Calculus for Regulators” presented to workshop, Baldy Center for Law and Social Policy, University at Buffalo School of Law, March 2019

“Well-Being and the PiP Project: An Overview of the Issues” presented to conference, Prioritarianism in Practice research network, Duke Law School, September 2018

“Social Welfare Functions: Functional Forms and Ethical Foundations,” three lectures presented to summer school on climate change sponsored by EAERE-FEEM (held at Venice International University), July 2018

“The Ethics of Well-Being” and “Preferences for Happiness,” two lectures presented to summer school on the economics of well-being, Warwick Business School, June 2018

“The Structure of Luck Prioritarianism” presented to workshop, University of Edinburgh Philosophy Department, June 2018

“Beyond Cost-Benefit Analysis,” lecture given at Oxford Uehiro Centre for Practical Ethics, Oxford University, June 2018

“The Structure of Luck Prioritarianism” presented to workshop, Behavioral Science Group, Warwick Business School, May 2018

“The Structure of Luck Prioritarianism” presented to workshop, Department of Philosophy, Logic and Scientific Method, London School

of Economics, May 2018

“vNM utilities and Well-Being Measurement” presented to workshop, Department of Philosophy, Logic and Scientific Method, London School of Economics, May 2018

“A Better Calculus for Regulators” presented to conference on Priority in Practice, Blavatnik School of Government, Oxford, May 2018

“A Better Calculus for Regulators” presented at faculty scholarship retreat, Duke Law School, April 2018

Measuring Social Welfare discussed at book manuscript workshop, Kenan Institute for Ethics, Duke University, March 2018

“A Better Calculus for Regulators” presented to faculty workshop, Vanderbilt Law School, March 2018

“The Oxford Handbook of Well-Being and Public Policy” presented at Duke Law School celebration of faculty scholarship, February 2018

“Justice, Claims and Prioritarianism: Room for Desert?” presented to workshop at Centre de Recherche en Éthique, Montreal, February 2018

“Theory of Prioritarianism” presented to conference on Equity Implications of Health Technology, Brocher Foundation, Geneva, November 2017

“Theory of Prioritarianism” presented to Prioritarianism in Practice workshop, Duke Law School, October 2017

“A Better Calculus for Regulators” presented at conference on Theories of Choice and the Law, European University Institute, Florence, July 2017

“A Better Calculus for Regulators” presented to workshop on Distributive Justice, Universitat Pompeu Fabra, Barcelona, July 2017

“A Better Calculus for Regulators” presented at the American Law and Economics Association annual conference, Yale Law School, May 2017

“The SWF Approach” presented at the University of California, Irvine, April 2017

“Claims across Outcomes and Population Ethics” presented to the Duke

Law conference on population ethics, April 2017

“Justice, Claims and Prioritarianism: Room for Desert?” presented to faculty workshop, University of Virginia Law School, April 2017

“Would you Choose to Be Happy?” presented at American Economics Association annual conference, Chicago, January 2017

“Justice, Claims and Prioritarianism: Room for Desert?” presented to conference on Normative Ethics and Welfare Economics, Harvard Business School, October 2016

“Justice, Claims and Prioritarianism: Room for Desert?” presented to workshop, Philosophy Department, Lund University, Sweden, October 2016

“Prioritarianism and Climate Change” presented to workshop at Institute for Futures Studies, Stockholm, Sweden, October 2016

“Justice, Claims and Prioritarianism: Room for Desert?” presented to workshop, Philosophy Department, Stockholm University, Sweden, October 2016

“Justice, Claims and Prioritarianism: Room for Desert?” presented to workshop, Rutgers University Philosophy Department, September 2016

“Fairness, Claims and Prioritarianism” presented to workshop, Department of Philosophy, Logic and Scientific Method, London School of Economics, June 2016

“Fairness, Claims and Prioritarianism” presented to the Moral Philosophy Workshop, Oxford University, June 2016

“Prioritarianism and Climate Change” presented to workshop at Grantham Research Institute, London School of Economics, June 2016

“Fairness, Claims and Prioritarianism” presented to conference on Equality of Opportunity, Duke University, May 2016

“Prioritarianism and Climate Change” presented (remotely) to conference on Climate Change and its Impact, University of Illinois, March 2016

“Prioritarianism and Climate Change” presented to conference on Climate Ethics and Economics, Duke University, March 2016

“Fairness, Claims and Prioritarianism” presented to UNC Parr Center workshop, February 2016

“Preferences for Happiness” presented to Rethinking Regulation workshop, Duke University, January 2016

“The SWF Framework” presented to conference on Priority Setting in Global Health 2020 (hosted by University of Bergen, held in California), January 2016

“Fairness, Claims and Prioritarianism,” presented to the Harvard Law School Law and Philosophy Colloquium, November 2015

“Beyond Cost-Effectiveness Analysis? The SWF Framework” presented to conference on Economic Evaluation in Health: Cost-Effectiveness and Beyond, Harvard School of Public Health, September 2015

“Extended Preferences” presented to faculty workshop, Department of Philosophy, Logic and Scientific Method, London School of Economics, July 2015

“Prioritarianism and Climate Change” presented to panel at annual conference, European Association of Environmental and Resource Economists, Helsinki, Finland, June 2015

“Prioritarianism and Climate Change” presented to faculty workshop, Department of Philosophy, Logic and Scientific Method, London School of Economics, June 2015

“Prioritarianism and Climate Change,” presented to conference on Inequality and the Economic Analysis of Climate Change, Duke Law School, May 2015

“Happiness Surveys and Public Policy: Who Wants to Be Happy?” EPA-RTP Cutting Edge Speaker Series, Cary, NC, May 2015

“Cost-Benefit Analysis and Distributional Weights” presented to the Priorities 2020 Workshop, National Institutes of Health, Washington, D.C., April 2015

“Prioritarianism and Climate Change,” presented (remotely) as part of the SCRiM (sustainable climate risk management) workshop series, Penn State University, April 2015

“Ex Post Prioritarianism: A Defense,” faculty workshop, Duke Philosophy Department, April 2015

“Cost-Benefit Analysis, Distributional Weights, and Institutions,” presented at Society for Benefit-Cost Analysis annual conference, Washington, D.C., March 2015

Commentator on paper by William Baude, “Is Originalism our Law?”, Originalism Works-in-Progress Conference, University of San Diego Law School, February 2015

“Happiness Surveys and Public Policy” presented to a workshop on Preferences, Well-Being and Discrete Choice Experiments, University of Antwerp, December 2014

“Preference Heterogeneity, Extended Preferences and Social Welfare,” presented to faculty workshop, public economics faculty, University of Leuven, Belgium, December 2014

“Preference Heterogeneity, Extended Preferences and Social Welfare,” presented to conference on Recent Advances and Challenges in Benefit-Cost Analysis, Toulouse School of Economics, December 2014

“Happiness Surveys and Public Policy,” presented to Cornell Law and Economics Association (student group), Cornell Law School, December 2014

“Preferences for Happiness” presented to Cornell Law School faculty workshop, December 2014

“Cost-Benefit Analysis and Distributional Weights” presented (remotely) to a workshop at Renmin Law School, Beijing, Renmin-Duke Workshop Series, November 2014

“Cost-Benefit Analysis and Distributional Weights” presented to the interdepartmental faculty working group on social mobility, Duke University, November 2014

“Utilitarianism, Prioritarianism, and Climate Change” presented to the Energy Modelling Forum conference on Climate Change Impacts, Snowmass, Colorado, July 2014

“Extended Preferences and the Valuation of Health,” presented to Brocher

Foundation conference on Ethical Issues in Global Population Health, Geneva, June 2014

“Aggregating Moral Preferences” presented at Vanderbilt University conference on Rational Choice and Philosophy, May 2014

“Understanding Life Choices: Do Individuals Prefer Happiness?” presented at Duke Law School faculty workshop, May 2014

“Understanding Life Choices: Do Individuals Prefer Happiness?” presented at University of San Diego Law School faculty workshop, April 2014

“The Value of Statistical Life: CBA, Utilitarianism, and Prioritarianism” presented at American Philosophical Association conference, San Diego, April 2014

“Equity Metrics and the Pigou-Dalton Principle,” Meador Lecture, University of Alabama Law School, April 2014

“Extended Preferences” presented to conference for Oxford Handbook of Well-Being and Public Policy, Princeton University, February 2014

“Understanding Life Choices” presented to Public Law and Legal Theory workshop, University of Chicago Law School, January 2014

“Distributional Weights: A Defense” presented at Society for Risk Analysis annual conference, Baltimore, December 2013

“Happiness and Public Policy: A Transatlantic Conversation,” presentation with Paul Dolan at Duke Law School, December 2013

“Measuring Happiness and Well-Being” presented to symposium on Happiness, PPE Program, UNC Chapel Hill, December 2013

“Happiness and Cost-Benefit Analysis” presented to Duke Law Alumni Association, November 2013

“Custom, Interpretation, and Meta-Interpretation” presented to Duke Law School Roundtable on custom and constitutional law, November 2013

“CBA and Distributional Weights” presented to Triangle Resource and Environmental Economics (TREE) workshop, October 2013

“Morality and Cost-Benefit Analysis” presented to workshop, PPE Program, UNC Chapel Hill, September 2013

“Happiness Surveys, Preference Utility and Experience Utility” presented to conference on Well-Being and Preferences, College d’Etudes Mondiales, Paris, June 2013

“Equity, Pigou-Dalton, and Pareto” presented to the conference on Priorities in Global Health 2020, University of Pennsylvania, May 2013

“Well-Being and Fair Distribution” presented at Law and Society annual conference, Boston, May 2013

“Happiness Surveys and Public Policy” presented to conference, New Scholarship on Happiness, Duke Law School, May 2013

“Prioritarianism and Climate Change” presented to workshop on the ethics of risk and climate change, Princeton Institute for International and Regional Studies, Princeton, April 2013

“Equity, Pigou-Dalton, and Pareto” presented to Harvard University Program in Ethics and Health annual conference, Boston, April 2013

“Distributional Weights” presented at Society for Benefit-Cost Analysis annual conference, Washington, D.C., February 2013

“Happiness Surveys and Public Policy” presented to annual administrative law conference, Duke Law Journal, February 2013

Commented on Nicholas Rosencranz’s article “The Subjects of the Constitution,” symposium, University of Pennsylvania Journal of Constitutional Law, January 2013

Participated in session of Jurisprudence section of AALS devoted to my book, *Well-Being and Fair Distribution*, New Orleans, January 2013

“VSL vs. SWF” presented to conference on European and U.S. approaches to risk regulation, University of California, Berkeley, business school, December 2012

“Happiness Surveys and Public Policy” presented to faculty workshop, Jurisprudence and Social Policy program, Berkeley Law School, December 2012

“Distributional Weights” presented at Society for Risk Analysis annual conference, San Francisco, December 2012

“VSL vs. SWF” presented to conference on the Ethics of Risk, University of Zurich, December 2012

“Happiness Surveys and Public Policy” presented to faculty workshop, Sanford Public Policy School, Duke University, November 2012

“Valuing the Nonconsumption Impacts of Unemployment” presented to conference on unemployment impacts and regulation, University of Pennsylvania Law School, September 2012

Commentator, Symposium on Robin West’s book *Normative Jurisprudence*, Georgetown University Law School, September 2012

“Prioritarianism and Future Generations” presented to conference on Intergenerational Equity and Climate Change, Fondations Maison des Sciences de l’Homme, Paris, June 2012

“Social Welfare Functions and the Value of Risk Reduction” presented to workshop at Fondations Maison des Sciences de l’Homme, Paris, June 2012

Comment on paper by Thomas Merrill, Conference on Presidential and Judicial Oversight of Administrative Agencies, Duke Law School, April 2012

“Social Welfare Functions and the Value of Risk Reduction” presented to conference on Identified vs. Statistical Lives, Harvard Global Health Institute and Harvard Program in Ethics & Health, April 2012

“Happiness Surveys and Public Policy” presented to Ad Hoc Workshop, University of Pennsylvania Law School, April 2012

“Well-Being and Fair Distribution” presented to workshop, Rethinking Regulation Series, Duke University, March 2012

“Happiness Surveys and Public Policy” presented to Faculty Workshop, Loyola School of Law, Chicago, March 2012

“Happiness Surveys and Public Policy” presented to workshop on Law, Behavior, and Social Sciences, University of Illinois Law School, March 2012

Participated in mini-symposium on *Well-Being and Fair Distribution*,
University of Pennsylvania Law School, March 2012

Comment on Katharine Bartlett paper, conference on Law and Custom,
Duke Law School, February 2012

“Happiness Surveys and Public Policy” presented to the Duke Law faculty
workshop, December 2011

“Social Welfare Functions and the Value of Risk Reduction” presented at
the annual conference of the Society for Benefit-Cost Analysis,
Washington, D.C., October 2011

Comment on Stuart Benjamin, “Bootstrapping,” Conference on
Affordable Care Act, Duke Law School, September 2011

“Harsanyi 2.0” presented at Utilitarian Studies conference, Lucca, Italy,
June 2011

“Harsanyi 2.0” presented at the Conference on Justice and Economics,
University of Toulouse, June 2011

“Social Welfare Functions and the Value of Risk Reduction” presented at
the Toulouse School of Economics, June 2011

“Well-Being and Fair Distribution” presented to a philosophy workshop at
University College, London, June 2011

“Equity Metrics: How to Choose?” presented to the Ad Hoc workshop,
University of Pennsylvania Law School, April 2011

“Well-Being and Equity” presented to the Law and Economics Workshop,
University of California-Berkeley, March 2011

“Well-Being and Equity” presented to the Law and Economics Workshop,
Tel Aviv University faculty of law, Israel, December 2010

“Well-Being and Equity” presented to the Law and Economics Workshop,
Bar-Ilan University faculty of law, Israel, December 2010

“Well-Being and Equity” presented to the faculty workshop, Hebrew
University faculty of law, Israel, December 2010

“Intergenerational Equity: Puzzles for Welfarists” presented to a conference on intergenerational equity and intellectual property, University of Wisconsin Law School, November 2010

“Equity Metrics: How to Choose?” presented to the OECD Regulatory Policy Conference, France, October 2010

“Well-Being and Equity” presented to the Tax Policy Workshop, Loyola Law School, October 2010

“Equity Metrics: How to Choose?” presented as part of a conference on developing standards for benefit-cost analysis, Washington, D.C., organized by the University of Washington Benefit-Cost Analysis Center and funded by the MacArthur Foundation, October 2010

Comment on Douglas Kysar, *The View from Nowhere*, presented as part of a panel held by the Penn Program on Regulation, University of Pennsylvania

“Social Welfare Functions and Equity” presented to an EPA conference on environmental justice, Washington, D.C., June 2010

“Integrating Cost-Benefit Analysis and Risk Assessment” presented as part of an intergovernmental conference on risk regulation, Ottawa, Canada, June 2010

“Well-Being and Equity,” presented to a workshop on Welfare and Justice, Copenhagen University, Denmark, May 2010

“Well-Being and Equity,” presented to a faculty workshop at University Paris-Descartes, France, May 2010

“Well-Being and Equity” presented to a workshop on environmental sustainability, Catholic University Louvain-la-Neuve, Belgium, May 2010

“Well-Being and Equity” presented to a workshop on environmental economics, Toulouse School of Economics, France, May 2010

“Well-Being and Equity” presented to the Faculty Workshop, George Washington University philosophy department, April 2010

“Well-Being and Equity” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, April 2010

“Future Generations: A Prioritarian View” presented to the annual conference of the Society for Environmental Law and Economics, Emory Law School, March 2010

“Cost Benefit Analysis and Equity” presented to a symposium on “Changes to the Regulatory State,” NYU Law School, March 2010

“Well-Being and Equity” presented to the Law and Philosophy Workshop, University of Chicago Law School, February 2010

“Well-Being and Equity” presented at the Wharton School as part of the series on Risk Regulation, University of Pennsylvania, February 2010

“Interpretive Contestation and Legal Correctness,” The James Gould Cutler Memorial Lecture, William & Mary Law School, February 2010

“Well-Being and Equity” presented to the Faculty Workshop, Duke University Law School, January 2010

“Well-Being and Equity” presented as part of the Symposium on Prioritarianism and Distributive Justice, University of Pennsylvania Law School, January 2010

“Well-Being and Equity” presented to the Workshop on Law, Economics and Politics, NYU Law School, December 2009

“Equity Metrics” presented to the Society for Risk Analysis/Resources for the Future Conference on Changes to Executive Order 12866, Washington D.C., June 2009

“Well-Being and Equity,” presented to the Law and Economics Workshop, University of Southern California, April 2009

“Social Facts, Constitutional Interpretation, and the Rule of Recognition,” presented to the Constitutional Theory Conference, University of Southern California Law School, April 2009

“Risk Equity,” presented to the Society for Environmental Law and Economics Conference, Vancouver, March 2009

“Well-Being and Equity” presented to the Columbia Law School Faculty Workshop, March 2009

“Social Facts, Constitutional Interpretation, and the Rule of Recognition”

presented to the Queen's University Law Faculty workshop, March 2009

"Well-Being and Equity" presented to the Queen's University Law and Economics Workshop, March 2009

"Well-Being and Equity" presented to the Law and Politics Workshop, University of Chicago Law School, February 2009

"New Foundations of Cost-Benefit Analysis" presented to a session at the Society for Risk Analysis Annual Conference, Boston, December 2008

"Prioritarianism and Future Generations" presented to a Conference on Future Generations, George Washington University Law School, October 2008

Participated in a panel on *New Foundations of Cost-Benefit Analysis*, Law and Society Association Annual Conference, Montreal, June 2008

"Risk Equity" presented to a session of the American Law and Economics Association Annual Conference, Columbia Law School, May 2008

"Social Facts, Constitutional Interpretation, and the Rule of Recognition" presented to the Conference on the Rule of Recognition, University of Pennsylvania Law School, May 2008

"The Time-Slice Problem" presented to the Faculty Workshop, Stanford Law School, April 2008

"Social Facts, Constitutional Interpretation and the Rule of Recognition" presented to the Constitutional Theory Workshop, University of Texas Law School, March 2008

Participated in a panel on cost-benefit analysis at the Sparer Conference, University of Pennsylvania Law School, March 2008

"Inequality and Uncertainty" presented to a Colloquium on the Philosophy of Law and Social Science, School of Law, University of California, Berkeley, March 2008

"Risk Equity" presented to the Environmental Economics and Policy Seminar, JFK School, Harvard University, February 2008

"Risk Equity" presented to a session of the Society for Risk Analysis annual conference, San Antonio, Texas, December 2007

“The Time-Slice Problem” presented to a Law and Economics/Legal Theory Workshop, University of Toronto Law School, December 2007

“The Time-Slice Problem” presented to the Legal Theory Workshop, UCLA Law School, October 2007

“The Time-Slice Problem” presented to the Faculty Workshop, Duke University Law School, September 2007

“Happiness Research and Cost-Benefit Analysis” presented, with Eric Posner, to the Conference on Happiness, University of Chicago Law School, June 2007

Participated in a new book mini-symposium on *New Foundations of Cost-Benefit Analysis*, University of Pennsylvania Law School, April 2007

“The Time-Slice Problem” presented to the Law and Philosophy Workshop, Georgetown University Law School, April 2007

“The Time-Slice Problem” presented to the Faculty Workshop, Arizona State University College of Law, March 2007

“The Time-Slice Problem” presented to the GALA Workshop (Law and Jurisprudence), Boalt Hall School of Law, March 2007

New Foundations of Cost-Benefit Analysis, new book presentation at University of Pennsylvania bookstore, February 2007

“QALYs and Policy Evaluation” presented to the Seton Hall Law Review symposium on FDA Drug and Device Regulations, February 2007

“Inequality and Uncertainty” presented to the Law and Economics Workshop, University of Virginia Law School, December 2006

Comment on papers by Robert Stavins and Stuart Shapiro, Conference on White House review of regulation, University of Pennsylvania Law School, December 2006

Comment on paper by Daniel Farber, Conference on Liability for Global Warming, University of Pennsylvania Law School, November 2006

“The Time-Slice Problem” presented to the Law and Politics Workshop, Harvard Law School, November 2006

“The Time-Slice Problem” presented to the Faculty Workshop, University of Illinois Law School, October 2006

“The Time-Slice Problem” presented to the Faculty Workshop, Chicago-Kent School of Law, October 2006

“The Time-Slice Problem” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, October 2006

Participated in a panel on *New Foundations of Cost-Benefit Analysis* at the AEI-Brookings Joint Center, September 2006

“Welfare Polls” presented to a working group on national well-being accounts (chaired by Ed Diener) at the Medici 2006 Conference held at the University of Pennsylvania Positive Psychology Center, June 2006

“Inequality and Uncertainty” presented to the Law and Economics Workshop,” Tel Aviv University Faculty of Law, May 2006

“Against Individual Risk” presented to a workshop of the Environmental Justice Program, Tel Aviv University Faculty of Law, May 2006

“Inequality and Uncertainty” presented to the Faculty Workshop, Bar-Ilan University Faculty of Law, May 2006

“Inequality and Uncertainty” presented to the Law and Economics Workshop, Hebrew University Faculty of Law, May 2006

“Inequality and Uncertainty” presented to a session of the American Law and Economics Association Conference, Berkeley, California, May 2006

“Inequality and Uncertainty” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, May 2006

Comment on paper by Tyler Cowen, Conference on Intergenerational Equity and Discounting, University of Chicago Law School, April 2006

“Risk Analysis for Natural Hazards: Some Lessons from Environmental Risk Analysis,” presented to the Duke Law Journal Administrative Law Conference (on emergency management and Hurricane Katrina), Raleigh-Durham, March 2006

“What is a Self-Interested Preference? Theory and Legal Applications,”

presented to a session on the Methodology of Law and Economics,
Eastern Economics Association Conference, Philadelphia, February 2006

“Fidelity to the Text versus Fidelity to the Community: Must the ‘Internal Point of View’ be Group-Sensitive?” presented to the Symposium on the Internal Point of View in Law and Ethics, Fordham Law School, February 2006

“What is a Self-Interested Preference? Theory and Legal Applications,” presented to a session on the Methodology of Law and Economics, American Economics Association Conference, Boston, January 2006

“Equity Analysis and Natural Hazards Policy” presented to the National Symposium on Risk and Disasters: Lessons from Hurricane Katrina, Washington D.C., December 2005

“Constitutional Existence Conditions and Judicial Review” presented to the Conference on Conceptual Issues in Constitutional Law, University of San Diego School of Law, November 2005

“Popular Constitutionalism and the Rule of Recognition” presented to a session on Judicial Legitimacy, 22d World Congress of Philosophy of Law and Social Philosophy, Granada, Spain, May 2005

Comment on “Beyond Camelot” presented to the Mini-Symposium for Professor Ed Rubin, University of Pennsylvania Law School, May 2005

“Against ‘Individual Risk’” presented to the Symposium on Risk, University of Pennsylvania Law School, March 2005

“Fear Assessment” presented to the Workshop on Economics and Psychology, NYU Center for Experimental Social Science, February 2005

“Popular Constitutionalism and the Rule of Recognition,” presented to the Faculty Workshop, Rutgers-Camden Law School, February 2005

“Against ‘Individual Risk’” presented to the University of Pennsylvania Law Review, February 2005

“Popular Constitutionalism and the Rule of Recognition” presented to the Faculty Workshop, Fordham Law School, November 2004

“Popular Constitutionalism and the Rule of Recognition” presented to the Faculty Workshop, Cardozo Law School, November 2004

“Popular Constitutionalism and the Rule of Recognition” presented to the Constitutional Theory Conference, NYU Law School, October 2004

“Popular Constitutionalism and the Rule of Recognition” presented to the Faculty Workshop, Brooklyn Law School, October 2004

“Popular Constitutionalism and the Rule of Recognition” presented to the Faculty Retreat, University of Pennsylvania Law School, September 2004

“Against ‘Individual Risk’” presented to the Faculty Workshop, Cornell Law School, April 2004

“Against ‘Individual Risk’” presented to the Legal Theory Workshop, Columbia University School of Law, April 2004

“Against ‘Individual Risk’” presented to the Faculty Workshop, University of Michigan Law School, March 2004

“Against ‘Individual Risk’” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, March 2004

“Cost-Benefit Analysis and National Security Policy” presented to the ABA Section on Administrative Law, Washington, D.C., November 2003

“Fear Assessment” presented to the Symposium on Interdisciplinary Legal Scholarship, Chicago-Kent College of Law, October 2003

Comment on paper by Daphna Berek-Erez presented to the Symposium on Conflicts of Interest, University of Pennsylvania Law School, October 2003

“Static Efficiency and Environmental Law” and “What Principles Should Guide Environmental Law?” presented to the Conference on the Economic Dynamics of Environmental Law, Syracuse University College of Law, October 2003

“Fear Assessment” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, October 2003

“Against ‘Individual Risk’” presented to the Faculty Workshop, Northwestern University Law School, May 2003

“Against ‘Individual Risk’” presented to the Faculty Workshop,

University of Chicago Law School, May 2003

Comment on papers by Fred Schauer, Larry Alexander and Chris Peters presented to the Constitutional Theory Conference, Vanderbilt Law School, April 2003

“Constitutional Existence Conditions and Judicial Review,” presented (with Michael Dorf) to the Law and Philosophy Workshop, Columbia University School of Law, February 2003

“Risk, Death and Harm” presented to the Faculty Workshop, William and Mary School of Law, November 2002

“Legal Transitions” presented to the Conference on Legal Transitions, University of San Diego Law School, October 2002

“Risk, Death and Harm” presented to the Faculty Workshop, University of Virginia Law School, October 2002

“The Puzzle of Ex Ante Efficiency” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, June 2002

“Does the Constitution Require (Basic or Strengthened) Public Rationality?” presented to the Symposium on the Links between Law and Political Science, Max Planck Institute, Bonn, Germany, May 2002

“Risk, Death and Harm” presented to the Faculty Workshop, Emory University Law School, April 2002

“Risk, Death and Harm” presented to the Faculty Workshop, George Washington University Law School, April 2002

“Risk, Death and Harm” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, March 2002

“The Puzzle of Ex Ante Efficiency” presented to the Symposium on Preferences and Rational Choice, University of Pennsylvania Law School, March 2002

“Risk, Death and Harm” presented to the Faculty Workshop, Vanderbilt University Law School, February 2002

“Naked Policymaking: A Comment on Diver” presented to the Faculty Retreat, University of Pennsylvania Law School, September 2001

“Expressive Theories of Law: A Skeptical Overview” presented to the Faculty Workshop, UCLA School of Law, December 2000

“Expression and Appearance: A Comment on Hellman” presented to the Symposium on the Expressive Dimension of Governmental Action, University of Maryland Law School, October 2000

“Beyond Efficiency and Procedure: A Welfarist Theory of Regulation” presented to the Faculty Retreat, University of Pennsylvania Law School, April 2000

“Expressive Theories of Law: A Skeptical Overview” presented to the Law and Humanities Conference, Georgetown University Law Center, March 2000

“Beyond Efficiency and Procedure: A Welfarist Theory of Regulation” presented to the Symposium on Regulatory Theory and Administrative Law, Florida State University Law School, February 2000

“Rethinking Cost-Benefit Analysis” presented to a Public Policy and Management Brown Bag Seminar, Wharton School, December 1999

“Rights and Rule-Dependence” presented to the Symposium on Rights and Rules, Columbia University Law School, October 1999

“Implementing Cost-Benefit Analysis when Preferences are Distorted” presented (with Eric Posner) to the Symposium on Cost-Benefit Analysis, University of Chicago Law School, September 1999

“Expressive Theories of Law: A Skeptical Overview” presented to an Institute for Law and Philosophy lunch, University of Pennsylvania Law School, April 1999

“The New Etiquette of Federalism” presented (with Seth Kreimer) to the Faculty Retreat, University of Pennsylvania Law School, April 1999

“Rethinking Cost-Benefit Analysis” presented (with Eric Posner) to the Law and Economics Workshop, University of Chicago Law School, March 1999

“Constitutional Borrowing: A Comment on Tushnet” presented to the Symposium on Constitutional Borrowing, University of Pennsylvania Law School, March 1998

“Incommensurability and Cost-Benefit Analysis” presented to the Symposium on Law and Incommensurability, University of Pennsylvania Law School, February 1998

“Incommensurability and Cost-Benefit Analysis” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, fall 1997

“Rethinking Cost-Benefit Analysis” presented (with Eric Posner) to the Ad Hoc Workshop, University of Pennsylvania Law School, summer 1997

“Rights against Rules” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, spring 1997

“Rights against Rules” presented to the Faculty Workshop, University of San Diego Law School, spring 1997

“Judicial Restraint in the Administrative State” presented to the Legal Studies Workshop, University of Pennsylvania Law School, fall 1995

Comment on “Federalism and Families” (paper by Anne Dailey) presented to the Legal Studies Workshop, University of Pennsylvania Law School, spring 1995

“Agencies, Congress, and Constitutional Determinations” presented to appointments workshops at the University of Chicago Law School, Harvard Law School, Northwestern University Law School, University of Pennsylvania Law School, Rutgers Law School (Newark), University of Texas Law School, and Yale Law School, fall 1993 and winter 1994

TEACHING AND SERVICE:

Courses Taught: Administrative Law (Spring 1995, 1995-96, 1996-97, 1997-98, 1999-2000, 2001-02, 2002-03 at Virginia and Chicago, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09 at Columbia; 2009-10; 2010-11; 2011-12, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25, 2025-26); Constitutional Law (1997-98, 1998-99, 1999-2000, 2000-01, 2003-04, 2004-05, 2006-07, 2007-08; 2009-10; 2010-11; fall 2011 at Duke; 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2017-18, 2018-19, 2020-21, 2021-22, 2022-23, 2024-25); Law and Morality (2024-25, 2025-26); Law and Economics Colloquium (2018-19); Rule of Law (2017-18); Law, Economics, and Politics Colloquium (2015-16, 2016-17); Social Choice

Theory (2013-14, 2014-15, 2017-18, 2019-20, 2020-21, 2021-22, 2023-24); Constitutional Theory (2001-02, 2002-03 at Virginia and Chicago, 2003-04, 2005-06, 2007-08, 2008-09 at Columbia; 2009-10; 2010-11); The Ethics of Regulation (1996-97, 1997-98, 1998-99, 1999-2000); Food and Drug Law (1995-96, 1996-97); Law and Morality (2004-05); Risk Regulation (2000-01); Theories of the Administrative State (1995-96).

Committee Service: Admissions (2010-11, 2011-12); Appointments (1997-98, 1999-2000, 2003-04, 2004-05, 2006-07); Lateral Chair, Appointments (2001-02); Lateral Appointments (2012-13, 2013-14, 2017-18, 2018-19, 2020-21, 2024-25); Chair, Lateral Appointments (2000-01, 2014-15, 2022-23); Book Symposia (2011-12); Career Planning and Placement (1995-96, 1997-98, 1998-99); Clerkships (2010-11, 2011-12); Chair, Distinguished Professors (2023-24, 2024-25, 2025-26); Educational Program (2004-05); Faculty Retreat (2003-04, 2010-11); Journal of Constitutional Law (1997-98, 1998-99, 1999-2000, 2000-01, 2001-02, 2003-04); Journal, Law and Contemporary Problems (2012-13, 2013-14, 2014-15, 2021-22); Law and Economics Workshop (2006-07); Law Review (1995-96, 2007-08); Legal Studies Workshop (1996-97, 2005-06, 2007-08); Library and Technology (2023-24, 2024-25, 2025-26); Mentoring Committee (2014-15); Tenure and Promotions (2005-06); Workshops (2016-17, 2019-20). University Committees: Marshall-Rhodes Endorsement (2024-25, 2025-26); Honorary Degree (2024-25, 2025-26); Law School member of Academic Council (2024-25, 2025-26)

Scholarly Service:

Organized Conference on Animals and Equality, Duke Law Center for Law, Economics and Public Policy, October 2024

Organized Conference on Animals and Social Welfare, Duke Law Center for Law, Economics and Public Policy, November 2019

Co-founder (with Ole Norheim), Prioritarianism in Practice (“PiP”) Research Network. Organized workshops for PiP project leaders, October 2017 and September 2018.
<https://law.duke.edu/laweconomicsandpublicpolicy/conferences/pip/>

Coordinating Lead Author (CLA), Chapter 22, International Panel on Social Progress, <http://www.ip-socialprogress.org/>

Organized Conference on Population Ethics, Duke Law Center for Law, Economics and Public Policy, April 2017

Co-organized Conference on Equality of Opportunity, Duke Law Center for Law, Economics, and Public Policy, May 2016

Organized Conference on Inequality and the Economic Analysis of Climate Change, Duke Law Center for Law, Economics, and Public Policy, May 2015

Co-organized Conference on Social Cost of Carbon, held at Duke University, May 2014

Organized Conference for authors of the Oxford Handbook of Well-Being and Public Policy, Duke Law Center for Law, Economics and Public Policy, November 2013

Organized Symposium, New Scholarship on Happiness, Duke Law Center for Law, Economics, and Public Policy, May 2013

Organized Symposium on the Rule of Recognition and the U.S. Constitution, held at the University of Pennsylvania Law School, May 2008

Co-organized Symposium on Risk and the Law, held at the University of Pennsylvania Law School, March 2005

Co-organizer, Conference on Constitutional Theory (periodic conference of leading constitutional theorists, held at Vanderbilt Law School, NYU Law School, the University of Pennsylvania Law School, and University of Southern California Law School: first session, April 2003; second session, October 2004; third session, April 2006; fourth session, April 2009)

Co-organizer, Conference on Conceptual Constitutional Scholarship (periodic conference of leading conceptual constitutional theorists, held at University of San Diego Law School, University of Texas Law School, and the University of Pennsylvania Law School; first session, May 2004; second session, November 2005)

Co-organized Symposium on Preferences and Rational Choice, held at the University of Pennsylvania Law School, March 2002

Co-organized Symposium on Rights and Rules, held at Columbia University Law School, October 1999

Co-organized Symposium on Cost-Benefit Analysis, held at the

University of Chicago Law School, September 1999

Organized Symposium on Law and Incommensurability, held at the University of Pennsylvania Law School, February 1998

Co-editor of *Economics and Philosophy* (2017-22)

Co-editor (with Larry Alexander, David Brink, and Scott Shapiro) of *Legal Theory* (2008-17)

Co-editor (with Brian Bix) of *Constitutional Law, Jurisprudence, and Legal Philosophy Abstracts* (on-line journal publishing abstracts of working papers and forthcoming articles) (2007-25)

Member, Editorial Board, *Economics and Philosophy*

Member, Editorial Board, *Legal Theory*

Member, Editorial Advisory Board, Oxford University Press Book Series on Philosophy, Politics and Economics

Associate Policy Editor, *Behavioral Science and Policy*

Referee for *American Law and Economics Review*; *Analysis*; *Australasian Journal of Philosophy*; *Bioethics*; *Canadian Journal of Philosophy*; *Economics and Philosophy*; *Environment and Planning A*; *Cost-Effectiveness and Resource Allocation*; *Ethics*; *Erasmus Journal for Philosophy and Economics*; *Ergo*; *Erkenntnis*; *Ethical Perspectives*; *Ethical Theory and Moral Practice*; *European Review of Agricultural Economics*; *Health Economics*; *Health Economics, Policy, and Law*; *Homo Oeconomicus*; *Journal of Applied Philosophy*; *Journal of Benefit-Cost Analysis*; *Journal of Bioethical Inquiry*; *Journal of Economic Behavior and Organization*; *Journal of Economic Literature*; *Journal of Economic Methodology*; *Journal of Ethics*; *Journal of Ethics and Social Philosophy*; *Journal of Happiness Studies*; *Journal of Health Economics*; *Journal of Legal Studies*; *Journal of Medical Ethics*; *Law and Philosophy*; *Journal of Philosophy*; *Law and Social Inquiry*; *Legal Theory*; *Mind*; *Moral Philosophy and Politics*; *Nous*; *Pacific Philosophical Quarterly*; *Perspectives in Psychological Science*; *Philosophical Quarterly*; *Philosophical Review*; *Philosophical Studies*; *Philosophy and Phenomenological Research*; *Politics, Philosophy and Economics*; *Psychology, Public Policy and Law*; *Regulation and Governance*; *Res Publica*; *Review of Environmental Economics and Policy*; *Review of Social Economy*; *Revue d'Economie Politique*; *Science*; *Social Choice and*

Welfare; Social Indicators Research; Social Science and Medicine; Synthese; Theoretical Medicine and Bioethics; Utilitas; Value in Health; Edward Elgar; Cambridge University Press; Harvard University Press; Oxford University Press; Routledge; University of Chicago Press; Yale University Press