Gideon Yaffe
Yale Law School, P.O. Box 208215, New Haven, CT 06520
gideon.yaffe@yale.edu

Employment

2012-Present Professor of Law and Professor of Philosophy
Yale Law School

2010-2012 Professor of Philosophy and Law
University of Southern California
Department of Philosophy & School of Law

2004-2010 Associate Professor of Philosophy and Law
University of Southern California
Department of Philosophy & School of Law

1999-2004 Assistant Professor
University of Southern California
Department of Philosophy

1998-1999 Lecturer
University of California at San Diego
Department of Philosophy

Education

June 1998 Ph.D. (Philosophy), Stanford University

June 1992 A.B. (Philosophy), Harvard University

Publications

Books

As Author:

Attempts, Oxford University Press, 2010.

Manifest Activity: Thomas Reid's Theory of Action, Oxford University Press, 2004.

Liberty Worth the Name: Locke on Free Agency, Princeton University Press, 2000.

As Co-Editor:

Rational and Social Agency: Themes from Michael Bratman (with Manuel Vargas),

Oxford University Press, under contract.

Contemporary Perspectives on Early Modern Philosophy: Essays in Honor of Vere Chappell (with David Owen and Paul Hoffman), Broadview Press, 2008.

Articles

"Reid on Favors, Injuries and the Natural Virtue of Justice" (with Lewis Powell), forthcoming in a volume of essays on Thomas Reid edited by Rebecca Copenhaver and Todd Buras.

"Intoxication, Recklessness and Negligence" in Ohio State Journal of Criminal Law, v. 9, 2012.

"Attempt, Risk-Creation and Change of Mind: Reflections on Herzog" in Ohio State Journal of Criminal Law, v. 9, 2012.

"Prevention and Imminence, Pre-punishment and Actuality", in San Diego Law Review, v. 48, 2011.

"Are Addicts Akratic?: Interpreting the Neuroscience of Reward", forthcoming in Addiction and Self-Control, edited by Neil Levy, Oxford University Press.

"Moore on Causing, Acting and Complicity", forthcoming in Legal Theory.

"The Voluntary Act Requirement" in The Routledge Companion to the Philosophy of Law, edited by Andrei Marmor, 2012.

"Trying to Kill the Dead: De Re and De Dicto Intention in Attempted Crimes" in Philosophical Foundations of Law & Language, edited by Andrei Marmor and Scott Soames, Oxford University Press, 2011.

"Lowering the Bar for Addicts" in Addiction and Responsibility, edited by George Graham and Jeffrey Poland, MIT Press, 2011.

"Locke on Consciousness, Personal Identity and the Idea of Duration" in Noûs, 2011.

"A Procedural Rationale for the Necessity Defense" in Responsibility in Morality and Law, edited by Susan Dimock, a special issue of The Journal of Value Inquiry, v. 43, 2009.

"Excusing Mistakes of Law" in Philosopher's Imprint, 2009.
2010 winner of the American Philosophical Association's Berger Prize for the best article or chapter in legal philosophy over the last two years.

"Libet and the Criminal Law's Voluntary Act Requirement" in Conscious Will and Responsibility, edited by Lynn Nadel and Walter Sinnott-Armstrong, Oxford University Press, 2011.

“Beyond the Brave Officer: Reid on the Unity of the Mind and Locke’s Theory of Personal Identity” in Thomas Reid on Ethics, edited by Sabine Roeser, Palgrave-Macmillan Press, 2009.

“Thomas Reid on Consciousness and Attention” in Canadian Journal of Philosophy, v. 39, 2009.

“Trying, Acting and Attempted Crimes” in Law and Philosophy, 2008.

“Reasonableness in the Law and Second-Personal Address” in Loyola Law Review, v. 40, 2007.

“Promises, Social Acts and Reid’s First Argument for Moral Liberty” in Journal of the History of Philosophy, v. 45, 2007.

“Trying, Intending and Attempted Crimes” in Philosophical Topics, v. 32, 2006.

“More on ‘Ought Implies Can’ and Alternate Possibilities” in Midwest Studies in Philosophy: Free Will and Responsibility, v. 29, 2005.

“’The Government Beguiled Me’: The Entrapment Defense and the Problem of Private Entrapment” in The Journal of Ethics and Social Philosophy, v.1, 2005.

“Berkeley and the ‘Mighty Difficulty’: The Idealist Lesson of the Inverted Retinal Image” in Philosophical Topics, v. 31, 2005.

“Conditional Intent and *Mens Rea*” in Legal Theory, v. 10, 2004.

"Locke on Ideas of Substance and the Veil of Perception" in Pacific Philosophical Quarterly v. 85, 2004.

“Peach Trees, Gravity and God: Mechanism in Locke” (with Marleen Rozemond) in The British Journal for the History of Philosophy, v. 12, n. 3, 2004.

“Time in the Movies” in Midwest Studies in Philosophy: Meaning in the Arts, v. 27, 2003.

"Indoctrination, Coercion, and Freedom of Will" in Philosophy and Phenomenological Research, v. 67, n. 2, September 2003.

"Reid on the Perception of Visible Figure" in Journal of Scottish Philosophy, v. 1, n. 2, 2003.

“The Office of an Introspectible Sensation: A Reply to Falkenstein and Grandi” in Journal of Scottish Philosophy, v. 1, n. 2, 2003.

"Reconsidering Thomas Reid's Geometry of Visibles" in Philosophical Quarterly, v. 52, n. 209, October 2002. Reprinted in The Philosophy of Thomas Reid, edited by

John Haldane and Stephen Read, Blackwell Publishing, 2003.

"Recent Work on Addiction and Responsible Agency" in Philosophy and Public Affairs, v. 30, n. 2, Spr. 2001.

"Locke on Suspending, Refraining and the Freedom to Will" in History of Philosophy Quarterly, v. 18, n. 4, October 2001.

"Free Will and Agency at Its Best" in Philosophical Perspectives, v. 14, edited by James Tomberlin, Oxford University Press, 2000.

"'Ought' Implies 'Can' and the Principle of Alternate Possibilities" in Analysis, v. 59, n. 3, July 1999.

"Velleman on Intentions as Reasons for Action" in Analysis, v. 55, n. 2, April 1995

"Freedom, Natural Necessity and the Categorical Imperative" in Kant-Studien, v. 86, 1995.

Reviews and Encyclopedia Entries

"Review of Scott Shapiro's Legality" forthcoming in Philosophical Review.

"Intention in the Law" in Companion to the Philosophy of Action, Wiley-Blackwell, 2010.

"Harmfulness, Wrongfulness, Lesser Evils and Risk-Creation: A Comment on Douglas Husak's Overcriminalization" in The Jerusalem Review of Legal Studies, v. 1, 2010.

Critical Response to Stephen Darwall's The Second-Person Standpoint: Morality, Respect and Accountability in Philosophy and Phenomenological Research, 2010.

Critical Response to John Fischer's My Way in Philosophy and Phenomenological Research, 2009.

"The Real Link Between Imminence and Necessity" in Criminal Law Conversations, Oxford University Press, 2009.

"Free Will and Volition" in Continuum Companion to Locke, Thoemmes Continuum Press, 2010.

Review of James Harris's Of Liberty and Necessity: The Free Will Debate in Eighteenth Century British Philosophy in Mind, v. 117, April 2008.

Review of Randolph Clarke's Libertarian Accounts of Free Will in The Journal of Ethics, 2007.

"Locke on Identity and the Identity of Persons" in The Cambridge Companion to Locke's 'Essay', edited by Lex Newman, Cambridge University Press, 2007.

"Waldron's Locke and Locke's Waldron: Review of Jeremy Waldron's God, Locke and Equality" (with Nomi Stolzenberg) in Inquiry, v. 49, n. 2, April 2006.

"Shaftesbury" in The Blackwell Companion to Early Modern Philosophy, edited by Steven Nadler, Blackwell Publishing, 2002.

"Thomas Reid" in The Stanford Encyclopedia of Philosophy (plato.stanford.edu)

"Review of Nicholas Jolley, Locke: His Philosophical Thought" in The British Journal for the History of Philosophy, June 2000.

"Review of J. Fischer and M. Ravizza, Responsibility and Control: A Theory of Moral Responsibility" in Erkenntnis, December 2000.

Professional Presentations

Papers

"Attempts"

Presented in workshops at Yale Law School (February 2012) and University of Pennsylvania Law School (February 2012)

"Intending to Aid"

Presented at a conference on philosophy of action and the law at Instituto De Investigaciones Juridicas, Universidad Nacional Autonoma De Mexico. (September 2011) Presented at a philosophy department colloquium at Harvard (February 2012). And presented at the Analytic Law and Philosophy Conference at Yale (April 2012).

"Intoxication, Reckless and Negligence"

Presented at a conference on causing the conditions of one's own defense at University of Pennsylvania Law School (December 2011).

"Criminal Responsibility and Neuroscience: The Absurd, the Overstated and the Potentially Useful (Someday, maybe)"

Presented as the Dean's Lecture at Yale Law School (November 2011)

"Prevention and Pre-Punishment, Imminence and Actuality"

Presented at a conference on preventive detention at the University of San

Diego Law School (April 2011).

"Inherently Impossible Criminal Attempts"

Presented as a philosophy department colloquium at the University of Manitoba (March 2010).

"Addiction and the Reasonable Person"

Presented as a public lecture at the University of Manitoba (March 2010).

"Can We Try to Kill the Dead?: De Dicto and De Re Intention in Attempted Crimes"

Presented to the UCLA Legal Theory Workshop (November 2009).

"Harmfulness, Wrongfulness, Lesser Evils and Risk-Creation: A Comment on Douglas Husak's Overcriminalization"

Presented at Hebrew University as part of a symposium on Husak's book (March 2009).

"Trying by Asking: Solicitation as Attempt"

Presented as a philosophy department colloquium at Florida State University (October 2008) and in the General Aspects of Law seminar series at the University of California at Berkeley Law School (November 2008).

"Libet and the Criminal Law's Voluntary Act Requirement"

Presented at the Consciousness conference in Tucson, AZ (May 2008).

"Beyond the Brave Officer: Reid on the Unity of the Mind and Locke's Theory of Personal Identity"

Presented at the University of Toronto's conference on the history of thought about consciousness (May 2007) and as a philosophy department colloquium at the University of Pennsylvania (February 2008).

"Excusing Mistakes of Law"

Presented as a philosophy department colloquium at the University of California at Santa Barbara (November 2006) and the University of British Columbia (February 2007) and to the law school at the University of Illinois Champaign-Urbana (April 2007).

"Trying, Acting and Attempted Crimes"

Presented at the Analytic Law and Philosophy Conference (April 2006), and to the Social Ethics and Normative Theory group at Stanford University (April 2006).

"Trying, Intending and Attempted Crimes"

Presented as a philosophy department colloquium at Stanford University (April 2006).

"Reid on Consciousness and Attention"

Presented to the New York University Consciousness Seminar (February 2006).

"'The Government Beguiled Me': Legal Responsibility and the Entrapment Defense"

Presented as a colloquium at Cardozo Law School (February 2005), and to the UCLA Legal Theory Workshop (September 2004). Presented as a philosophy department colloquium at the University of California at Riverside (January 2004) and the California Institute of Technology (November 2003)

"Locke on Consciousness, Personal Identity and the Idea of Duration"

Presented at the 1st NYU Conference on Issues in Modern Philosophy (December 2004) and as a colloquium at the University of California at Irvine (April 2005).

"Promises, Social Acts and Reid's First Argument for Moral Liberty"

Presented in a plenary session at the 3rd International Reid Symposium for Scottish Philosophy at the University of Aberdeen (July 2004).

"Reid's Theory of Action and the Problem of Motivation"

Presented at the conference of the International Society for Eighteenth Century Studies (August 2003)

"Conditional Intent and *Mens Rea*"

Presented as a philosophy department colloquium at the University of Michigan (March 2003), at California State University at Northridge (March 2003), and at the University of San Francisco (April 2003).

"Precis of Liberty Worth the Name: Locke on Free Agency"

Presented at an author-meets-critics session on my book at the Southern California Philosophy Conference (October 2002)

"Motivated Action and Caused Behavior: Thomas Reid on the Influence of Motives"

Presented as a philosophy department colloquium at the University of California at Riverside (October 2002)

"Thomas Reid and the Geometry of Perspectival Shape"

Presented as a philosophy department colloquium at the University of Arizona (April 2002).

"Locke on Ideas of Substance and the Veil of Perception"

Presented in a symposium session at the 2001 Pacific meeting of the American Philosophical Association (March 2001).

"Character Traits and Reid's Third Argument for Moral Liberty"

Presented at the Reid Symposium at King's College, Aberdeen (July 2000), at the Southern California Philosophy Conference (October 2000), and at Colorado College (May 2001).

"Locke on Free Agency"

Presented as a philosophy department colloquium at Harvard University (January 1999), the University of California at Davis (January1999), the University of Virginia (January 1999), the University of Southern California (January 1999) and the University of California at San Diego (October 1998).

"Free Will and Agency at its Best"

Presented as a philosophy department colloquium at Arizona State University (January 1999), and the University of California at Irvine (November 1998).

"Peach Trees, Spirits and God: Superaddition in Locke" (with Marleen Rozemond)

Presented at the California Conference in Early Modern Philosophy (September 1998).

"The Role of Personal Identity in Locke's Account of Free Agency"

Presented in a symposium session at the 1998 Pacific meeting of the American Philosophical Association (March 1998).

"An Evaluative Conception of Free Will"

Presented as a philosophy department colloquium at the Massachusetts Institute of Technology (January 1997), the University of California at Riverside (January 1997), and the University of Massachusetts at Amherst (February 1997).

Comments

Replies to Mitch Berman, David Enoch and Leora Katz at a conference on my book Attempts held at Hebrew University (June 2012).

Replies to Antony Duff, Doug Husak and Alfred Mele at a conference on my book

Attempts held at USC (October 2011)

Replies to Michael Bratman, David Brink and Michael Moore at an author-meets-critics session on my book Attempts at the meeting of the Pacific Division of the American Philosophical Association (April 2011).

Replies to Mark Greenberg and Alex Guerrero at the Berger Prize session on my paper "Excusing Mistakes of Law" at the meeting of the Pacific Division of the American Philosophical Association (April 2011).

On Douglas Husak's Overcriminalization at a conference on the book at Hebrew University (April 2009)

On Michael Moore's "Intention, Responsibility and the Challenges of Recent Neuroscience" at a conference on neuroscience and the law at Stanford Law School (March 2009)

On John Fischer's My Way at the Pacific Meeting of the American Philosophical Association (March 2008)

On James Harris's Of Liberty and Necessity at the Pacific Meeting of the American Philosophical Association (March 2007)

On Chrisoula Andreou's "On Harmful Addictions and Habits" at the Pacific Meeting of the American Philosophical Association (March 2005)

On Giovanni Grandi's "Thomas Reid's Notion of Visible Figure" at the Pacific Meeting of the American Philosophical Association (March 2004)

On James Harris's "Thomas Reid and the Limits of Philosophy" at the Pacific Meeting of the American Philosophical Association (March 2002)

On Galen Strawson's "Free Agents" at the Causation and Free Will Conference at Florida State University (January 2002)

On James Harris's "Hume's Reconciling Project and 'the common distinction between *moral* and *physical* necessity'" at the Hume Society Conference (July 2001)

On David Owen's "Locke and Hume on Belief and Assent" at the California Conference in Early Modern Philosophy (October 2000)

On Kenneth Winkler's "Intelligibility and the Theory of Ideas" at the California Conference in Early Modern Philosophy (June 1999)

On Jack Davidson's "Leibnizian Lessons in Philosophical Theology, or, Why Theists Shouldn't be Libertarians" at the Central meeting of the American Philosophical

Association (April 1999)

Work in Progress

Replies to critical articles about Attempts written for symposia on the book to be published in Criminal Law and Philosophy, Jurisprudence, Legal Theory and The Jerusalem Journal of Legal Studies.

"Age Matters"

"Possession: It's Nature and Criminalization"

"Intending to Aid"

Collaborations with neuroscientists Read Montague (Virginia Tech and the Wellcome Trust), Antonio Rangel (Caltech), and Christoph Koch and Uri Maoz (Caltech) on neuroscientific experiments with relevance to criminal law and freedom of will.

Fellowships, Awards and Grants

2011-14	Member of the MacArthur Foundation Research Network on Law and Neuroscience.
2011-13	(with Christof Koch and Uri Maoz) Grant from the Templeton Foundation's Big Questions in Free Will Project to fund "An Intracranial Study of Free Will and Moral Responsibility".
2010	The Berger Prize, given for the best article or chapter in legal philosophy over the last two years, from the American Philosophical Association for "Excusing Mistakes of Law".
2009-10	New Directions Fellowship from the Mellon Foundation to study neuroeconomics at Caltech.
2008-09	Burkhardt Fellowships for Recently Tenured Scholars from the American Council of Learned Societies (awarded 2007, used 2008-09)
2007-2010	Member, Network on Criminal Responsibility and Prediction of the John D. and Catherine T. MacArthur Foundation Project on Law and Neuroscience
2007	Fellowship from USC Provost's Initiative for the Advancement of Scholarship in the Social Sciences and Humanities
2004	USC College General Education Teaching Award
2002-2003	Research Fellowship from the American Council of Learned

	Societies
Summer 2000	Participant in a National Endowment for the Humanities Summer Seminar on Thomas Reid
1993-1998	Department Fellowship, Stanford University
February 1997	Fellow in the Institute for the Study of the History of Modern Philosophy, University of Massachusetts at Amherst

Courses Taught

Undergraduate

History of Modern Philosophy (from Descartes to Kant)

The British Empiricists (Locke, Berkeley, Hume, and Reid) The Rationalists

(Descartes, Spinoza and Leibniz)

Metaphysics (Causation, Free Will and Personal Identity)

Theory of Action

Free Will

Philosophy of Law

Liars, Promise-Breakers and Freeloaders (Morality and Self-Interest) Mind and Self

(Free Will, Death, Personal Identity)

Contemporary Moral Issues

Legal Controversies and Ethical Principles

Graduate Seminars

Free Will in the Early Modern Period

Locke's Essay and Leibniz's New Essays

Hume and Reid

Intention and the Theory of Action

Descartes

Locke

Moral Luck and Criminal Attempts

Equality

Reid's Moral Philosophy and Philosophy of Action

Law School Courses

Law, Language and Ethics

Criminal Law

Service

2005-2008	Graduate Advisor for the USC Philosophy Department
2004-2005	Member of USC's University Writing Committee, a committee overseeing USC's undergraduate writing programs.
2000-2001	Faculty Advisor to an Undergraduate Mellon Fellow
1999-2002	Chair of the Colloquium Committee for the USC Philosophy Department
1999-2002	Member of the Recruitment Committee for the USC Philosophy Department

Referee: Australasian Journal of Philosophy, Canadian Journal of Philosophy, Dialogue, Ethics, Inquiry, Journal of the History of Philosophy, Law and Philosophy, Legal Theory, Mind, Noûs, Pacific Philosophical Quarterly, Philosopher's Imprint, Philosophical Quarterly, Philosophy and Phenomenological Research, the National Endowment for the Humanities, Acumen Publishing, Cambridge University Press, and Oxford University Press.

Editorial Boards: Philosophy Compass, Southern Journal of Philosophy, Legal Theory, and Law and Philosophy.