

MICHAEL S. GREEN

College of William and Mary
Marshall-Wythe School of Law

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EDUCATION

- 1993-1996* **YALE LAW SCHOOL**
- J.D. 1996
 - Israel H. Peres Prize for best note in *Yale Law Journal*
 - Olin Fellow at Center for Studies in Law, Economics, and Public Policy
 - Senior Editor, *Yale Law Journal*
 - Elliott Goldstein Scholar
- 1983-1989* **YALE UNIVERSITY**
- Ph.D. in Philosophy 1990
 - University Fellow
- 1979-1982* **UNIVERSITY OF CALIFORNIA, BERKELEY**
- B.A. in Humanities, *summa cum laude*, 1982
 - Highest Distinction in General Scholarship
 - Phi Beta Kappa
 - Alumni Scholar (1981-82)
 - Regents Scholar (1979-81)
- 1978-1979* **SANTA ROSA JUNIOR COLLEGE**
- Doyle Scholar

EMPLOYMENT & ACADEMIC APPOINTMENTS

- Since 2006* **COLLEGE OF WILLIAM & MARY, MARSHALL-WYTHE SCHOOL OF LAW**
- Dudley W. Woodbridge Professor of Law (since 2012)
 - Professor of Law (2006-2012)
 - Cabell Research Professor (awarded 2007 & 2017)
 - Plumeri Award for Faculty Excellence (awarded 2011 & 2014)
 - Robert E. and Elizabeth S. Scott Research Professor (awarded 2010)
 - Blackstone Lecturer (awarded 2009)
 - Teaching: Civil Procedure, Conflict of Laws, Philosophy of Law, Professional Responsibility, Erie Doctrine (seminar), Philosophical Anarchism (seminar), Nietzsche (seminar in Philosophy Department)
- 1998-2005* **GEORGE MASON UNIVERSITY SCHOOL OF LAW**
- Associate Professor of Law (2003-05)
 - Assistant Professor of Law (1998-2003)
 - Teaching: Civil Procedure, Jurisprudence, Professional Responsibility
- 2001-02* **UNIVERSITY OF LONDON, KING'S COLLEGE SCHOOL OF LAW**
- Visiting Research Fellow
- 1997-1998* **PAUL, WEISS, RIFKIND, WHARTON, & GARRISON, NEW YORK**
- Associate

EMPLOYMENT & ACADEMIC APPOINTMENTS (CONTINUED)

- 1996-1997* **RICHARD A. POSNER, U. S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT**
• Law Clerk
- Summer 1996* **SIDLEY & AUSTIN, WASHINGTON, D.C.**
• Summer Associate
- Summer 1995* **PAUL, WEISS, RIFKIND, WHARTON, & GARRISON, NEW YORK**
• Summer Associate
- Summer 1994* **OFFICE OF LEGAL COUNSEL, NEW YORK UNIVERSITY**
• Law Clerk
- 1991-1993* **TUFTS UNIVERSITY**
• Assistant Professor of Philosophy (Tenure-Track)
• Position renewed for 1993-1995
• Teaching: Introduction to Philosophy, Modern Philosophy, Phenomenology & Existentialism, Kant, 19th Century Philosophy, Wittgenstein and Moral Realism (seminar)
- 1990-1991* **UNIVERSITY OF ALABAMA, HUNTSVILLE**
• Instructor in Philosophy
• Teaching: Ethics, Introductory Logic, Ethical Issues in Engineering
- 1990* **TECHNISCHE UNIVERSITÄT, BERLIN**
• Stiftung Luftbrückendank (Berlin Airlift Memorial Foundation) Fellow
- Fall 1989* **WESLEYAN UNIVERSITY**
• Visiting Instructor in Philosophy
• Teaching: Introductory Logic
- Fall 1989* **YALE UNIVERSITY**
• Instructor in Philosophy
• Teaching: Advanced First-Order Logic (graduate-level)
- 1987-88* **FREIE UNIVERSITÄT, BERLIN**
• Deutscher Akademischer Austauschdienst (German Academic Exchange Service)
Fellow

PUBLICATIONS

BOOKS

AUTHORED

THE OXFORD INTRODUCTIONS TO U.S. LAW: CIVIL PROCEDURE (Oxford University Press, forthcoming)

NIETZSCHE AND THE TRANSCENDENTAL TRADITION (University of Illinois Press 2002)

EDITED

THE PHILOSOPHICAL FOUNDATIONS OF PRIVATE INTERNATIONAL LAW (with Ralf Michaels and Roxanna Banu) (Oxford University Press, forthcoming)

JURISPRUDENCE IN THE MIRROR: EUROPEAN ANALYTIC JURISPRUDENCE MEETS ANGLO-AMERICAN ANALYTIC JURISPRUDENCE (with Luka Burazin and Giorgio Pino) (Oxford University Press: book proposal under review)

PUBLICATIONS

ARTICLES AND ESSAYS: STUDENT-RUN LAW REVIEWS

- The Erie Doctrine: A Flowchart*, 52 AKRON LAW REVIEW 215-57 (2019) (symposium piece)
- The Return of the Unprovided-For Case*, 51 GEORGIA LAW REVIEW 761-804 (2017)
- Vertical Power*, 48 UC DAVIS LAW REVIEW 73-140 (2014)
- Prediction Theories of Law and the Internal Point of View*, 51 SAN DIEGO LAW REVIEW 921-38 (2014) (symposium piece)
- Erie's International Effect*, 107 NORTHWESTERN UNIVERSITY LAW REVIEW 1485-1501 (2013)
• previously published at <http://www.law.northwestern.edu/lawreview/colloquy/2012/17/>
- The Twin Aims of Erie*, 88 NOTRE DAME LAW REVIEW 1865-1937 (2013)
- Law's Dark Matter*, 54 WILLIAM & MARY LAW REVIEW 845-84 (2013) (symposium piece)
- Horizontal Erie and the Presumption of Forum Law*, 109 MICHIGAN LAW REVIEW 1237-91 (2011)
- Erie's Suppressed Premise*, 95 MINNESOTA LAW REVIEW 1111-67 (2011)
- Why Protect Private Arms Possession? Nine Theories of the Second Amendment*, 84 NOTRE DAME LAW REVIEW 131-89 (2008)
- Dworkin v. The Philosophers*, 2007 UNIVERSITY OF ILLINOIS LAW REVIEW 1477-1503 (2007)
- Explaining Tort Law*, 48 WILLIAM & MARY LAW REVIEW 1953-54 (2007) (symposium piece)
- Halpin on Dworkin's Fallacy: A Surreply*, 91 VIRGINIA LAW REVIEW 187-201 (2005)
- Legal Realism as Theory of Law*, 46 WILLIAM AND MARY LAW REVIEW 1915-2000 (2005)
- Legal Revolutions: Six Mistakes about Discontinuities in the Legal Order*, 83 NORTH CAROLINA LAW REVIEW 331-409 (2005)
- Dworkin's Fallacy, Or What the Philosophy of Language Can't Teach Us about the Law*, 89 VIRGINIA LAW REVIEW 1897-1952 (2003)
- Copyrighting Facts*, 78 INDIANA LAW JOURNAL 919-64 (2003)
- Hans Kelsen and the Logic of Legal Systems*, 53 ALABAMA LAW REVIEW 365-413 (2003)
- The Paradox of Auxiliary Rights: The Privilege Against Self-Incrimination and the Right to Keep and Bear Arms*, 52 DUKE LAW JOURNAL 113-178 (2002)
- The Privilege's Last Stand: The Privilege Against Self-Incrimination and the Right to Rebel Against the State*, 65 BROOKLYN LAW REVIEW 627-716 (1999)
- Legal Realism, Lex Fori, and the Choice-of-Law Revolution*, 104 YALE LAW JOURNAL 967-94 (1995) (student note)

PUBLICATIONS

OTHER ARTICLES AND ESSAYS

- Symposium piece on Christoph Kletzer, *THE IDEA OF A PURE THEORY OF LAW* (Hart Publishing, 2018), 67 *AMERICAN JOURNAL OF JURISPRUDENCE* (forthcoming)
- The Semantic Thesis in Legal Positivism*, in Torben Spaak & Patricia Mindus (eds.), *CAMBRIDGE COMPANION TO LEGAL POSITIVISM* (Cambridge University Press, forthcoming)
- Hans Kelsen's Non-Reductive Positivism*, in Torben Spaak & Patricia Mindus (eds.), *CAMBRIDGE COMPANION TO LEGAL POSITIVISM* (Cambridge University Press, forthcoming)
- L'anglo-américanisation de Kelsen*, in Thomas Hochmann, Xavier Magnon, & Régis Ponsard (eds.), *UN CLASSIQUE MÉCONNU: HANS KELSEN 109-40* (Editions Mare et Martin, 2019)
- Legal Monism: An American History*, in Christoph Bezemek, Michael Potacs and Alexander Somek (eds.), *VIENNA LECTURES ON LEGAL PHILOSOPHY 23-48* (Hart Publishing 2018)
- Logic and Legal Realism*, in Dieter Krimphove & Florian Simon (eds.), *RESEARCH HANDBOOK IN LAW AND LOGIC 81-94* (Duncker & Humblot 2017)
- A Puzzle about Hart's Theory of Internal Legal Statements*, in Francesca Poggi & Alessandro Capone (eds.), *PRAGMATICS AND LAW: PRACTICAL AND THEORETICAL PERSPECTIVES 195-221* (Springer Verlag 2017)
- Marmor's Kelsen*, in D. A. Jeremy Telman (ed.), *HANS KELSEN IN AMERICA 45-84* (Springer Verlag 2016)
- Was Afrikan Spir a Phenomenalist? And What Difference Does It Make for Understanding Nietzsche?*, 46 *JOURNAL OF NIETZSCHE STUDIES 152-76* (2015)
- Eternal Recurrence in a Neo-Kantian Context*, 54 *KRITERION: REVISTA DE FILOSOFIA 459-73* (2014)
- On Hart's Category Mistake*, 19 *LEGAL THEORY 347-69* (2013)
- Felix Cohen on Legislation*, 1 *THE THEORY AND PRACTICE OF LEGISLATION 113-28* (2013)
- Choice of Law as General Common Law: A Reply to Professor Brilmayer*, in Donald Earl Childress III (ed.), *THE ROLE OF ETHICS IN PRIVATE INTERNATIONAL LAW 125-35* (Cambridge U. Press 2012)
- Leiter on the Legal Realists*, 30 *LAW & PHILOSOPHY 381-418* (2011)
- Kelsen, Quietism, and the Rule of Recognition*, in Matthew D. Adler & Kenneth E. Himma (eds.), *THE RULE OF RECOGNITION AND THE UNITED STATES CONSTITUTION 351-78* (Oxford University Press 2009)
- Two Fallacies about Copyrighting Factual Compilations*, in Robert Brauneis (ed.), *INTELLECTUAL PROPERTY PROTECTION OF FACT-BASED WORKS: COPYRIGHT AND ITS ALTERNATIVES 169-204* (Edward Elgar Press 2009)
- Does Dworkin Commit Dworkin's Fallacy?*, 28 *OXFORD JOURNAL OF LEGAL STUDIES 33-55* (2008)

PUBLICATIONS

OTHER ARTICLES AND ESSAYS (CONTINUED)

White and Clark on Nietzsche and the Transcendental Tradition: A Response, 36 INTERNATIONAL STUDIES IN PHILOSOPHY 169-99 (2005)

Nietzsche's Place in Nineteenth Century German Philosophy, 47 INQUIRY: AN INTERDISCIPLINARY JOURNAL OF PHILOSOPHY 168-88 (2004)

Nietzsche on Pity and Ressentiment, 24 INTERNATIONAL STUDIES IN PHILOSOPHY 63-70 (1992)

ON-LINE PIECES

Erie's International Effect, 107 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 165-79 (2012)

- <http://www.law.northwestern.edu/lawreview/colloquy/2012/17/>
- republished at 107 NORTHWESTERN UNIVERSITY LAW REVIEW 1485-1501 (2013)

JOTWELL, THE JOURNAL OF THINGS WE LIKE (LOTS)

2020 *Deontic Logic and the Philosophy of Law*

- <https://juris.jotwell.com/deontic-logic-and-the-philosophy-of-law/>

2019 *The Semantics and Pragmatics of Legal Statements*

- <https://juris.jotwell.com/the-semantics-and-pragmatics-of-legal-statements/>

2018 *Hohfeld and Property*

- <http://juris.jotwell.com/hohfeld-and-property/>

2017 *Interauthority Relationships*

- <http://juris.jotwell.com/interauthority-relationships/>

2016 *The New Eliminativism*

- <http://juris.jotwell.com/the-new-eliminativism/>

2014 *International Law and Dworkin's Legal Monism*

- <http://juris.jotwell.com/international-law-and-dworkins-legal-monism/>

2013 *The Real Legal Realism*

- <http://juris.jotwell.com/the-real-legal-realism/>

2012 *Erie, Swift, and Legal Positivism*

- <http://juris.jotwell.com/erie-swift-and-legal-positivism/>

2011 *Particularism, Telishment, and Three Strikes Laws*

- <http://juris.jotwell.com/particularism-telishment-and-three-strikes-laws/>

2010 *Against the Conventionalist Turn in Legal Theory: Dickson on Hart on the Rule of Recognition*

- <http://juris.jotwell.com/against-the-conventionalist-turn-in-legal-theory-dickson-on-hart-on-the-rule-of-recognition/>

PRESENTATIONS & CONFERENCES (ALL BY INVITATION)

Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg, Germany, November 2020, Conference on the Philosophical Foundations of Private International Law

Stockholms Universitet, Stockholm, Sweden, November 2018

“The Semantic Thesis in Legal Positivism,” Conference on Fundamentals of Legal Positivism: Main Tenets, Normativity and Values

Universidade Nova de Lisboa, Lisbon, Portugal, September 2018

“The Pragmatics of Internal Legal Statements,” Keynote Speaker, Second Conference on Topics in Pragmatics and Philosophy

University of Akron School of Law, September 2018

“The *Erie* Doctrine: A Flowchart,” Conference on *Erie* at Eighty: Choice of Law across the Disciplines

Uniwersytet Jagielloński, Krakow, Poland, June 2018

“Jurisdiction and the Moral Impact Theory of Law,” Copernicus Center for Interdisciplinary Studies

Universität Paderborn, Paderborn, Germany, November 2017

“Logic and Legal Realism,” Conference on Law and Logic

Duke University School of Law, April 2017

Roundtable on Theoretical Disagreement

Politeia, Università degli Studi di Milano, Milan, Italy, February 2017

Roundtable on Pragmatics and Law

University of Virginia School of Law, April 2016

Annual Conference on Analytical Legal Philosophy

Wirtschaftsuniversität Wien, Vienna, Austria, April 2016

“Monism and the Conflict of Laws,” Vienna Lectures on Law and Philosophy, organized by the Institute for Austrian and European Public Law (Wirtschaftsuniversität Wien) and the Department of Legal Philosophy (Universität Wien)

Washington, DC, July 2015

“A Puzzle about Internal Legal Statements,” Workshop on the Normativity of Law, 27th World Congress of Philosophy of Law and Social Philosophy

Chicago, IL, Valparaiso University School of Law, Hyde Park Campus, June 2014

“Marmor’s Kelsen,” Conference on Hans Kelsen in America

Hamilton, Ontario, McMaster University, May-June 2014

“Dworkin’s Legal Monism,” Conference on the Legacy of Ronald Dworkin

College of William and Mary, Williamsburg, VA, March 2014

Graduate Research Symposium on the Ethics and Morality of Strong Artificial Intelligence

Portsmouth, VA, Second Tuesday Forum, January 2014

“Why Constitutionally Protect Private Arms Possession?”

University of San Diego School of Law, September 2013

“Prediction Theories of Law and the Internal Point of View,” Conference on Laurence Claus, *LAW'S EVOLUTION AND HUMAN UNDERSTANDING* (Oxford Univ. Press), Institute for Law & Philosophy

PRESENTATIONS & CONFERENCES (CONTINUED)

Universidade Federal de Minas Gerais, Belo Horizonte, Brazil, July 2013

“Monism in the Philosophy of Law,” Workshop on Kelsen and Normativity, 26th World Congress of Philosophy of Law and Social Philosophy

University of Miami School of Law, March 2013

Annual Conference on Analytical Legal Philosophy

Universidade Federal de Minas Gerais, Belo Horizonte, Brazil, October 2012

“Eternal Recurrence in a Neo-Kantian Context,” Conference on Nietzsche and the Kantian Tradition

Seattle, WA, April 2012

“Phenomenalism and Antinaturalist Theories of Cognition in Nietzsche and Afrikan Spir,” North American Nietzsche Society, American Philosophical Association

College of William & Mary School of Law, February 2012

“Law’s Dark Matter,” Symposium on Law without a Lawmaker: *Erie* and the General Common Law

University of San Diego School of Law, February 2012

“Law’s Dark Matter”

Washington D.C., January 2012

Panelist, Choice of Law and the General Common Law, AALS Section on Conflict of Laws

University of San Diego School of Law, April 2011

Annual Conference on Analytical Legal Philosophy

San Francisco, January 2011

Panelist, Choice of Law in Complex Litigation, AALS Section on Conflict of Laws

Oxford University, Faculty of Law, Oxford, UK, September 2010

“Is Kelsen the Frege of Legal Theory?,” Legal Science and Legal Theory: A Commemoration of the 50th Anniversary of the Second Edition of Hans Kelsen’s *Pure Theory of Law*

New Orleans, LA, January 2010

Seminar on the Second Amendment and the Criminology of Firearms, organized by Don Kates

University of San Diego School of Law, October 2009

“Horizontal *Erie* and the Presumption of Forum Law”

Thomas Jefferson School of Law, San Diego, CA, October 2009

“Horizontal *Erie* and the Presumption of Forum Law”

King’s College, London, UK, May 2009

Annual Conference on Analytical Legal Philosophy

Uppsala Universitet, Faculty of Law, Uppsala, Sweden, August 2008

“Kelsen, Quietism, and the Rule of Recognition”

“Why Protect Private Arms Possession? Nine Theories of the Second Amendment”

University of Pennsylvania Law School, May 2008

“Kelsen, Quietism, and the Rule of Recognition,” Conference on the Rule of Recognition and the U.S. Constitution

PRESENTATIONS & CONFERENCES (CONTINUED)

George Washington University Law School, September 2007

Copyright, Collective Facts, and the Fallacy of Division,” Symposium on Copyright in Factual and Functional Works

UC Berkeley School of Law (Boalt Hall), April 2007

Annual Conference on Analytical Legal Philosophy

University of Pennsylvania Law School, March 2007

“Natural Rights Arguments for the Second Amendment,” Institute for Law and Philosophy

Princeton University, October 2006

Respondent, Conference on Joseph Raz’s *Morality of Freedom: 20 Years Later*, James Madison Program

UCLA School of Law, April 2006

Annual Conference on Analytical Legal Philosophy

Washington University in St. Louis School of Law, March 2006

“Kelsen and the English,” Workshop on Hans Kelsen’s Legal Theory

University of San Diego School of Law, November 2005

Conference on Conceptual Issues in Constitutional Law, Institute for Law & Philosophy

Idyllwild, Ca., September 2005

Roundtable on Modern Analytic Jurisprudence sponsored by the Program in Law & Philosophy, University of Illinois, and the Institute for Law & Philosophy, University of San Diego

University of Texas School of Law, April 2005

Annual Conference on Analytical Legal Philosophy

College of William & Mary School of Law, September 2004

“The Challenge of Legal Realism”

San Francisco, Ca., March 2003

“Author Meets Critics: *Nietzsche and the Transcendental Tradition*,” North American Nietzsche Society, American Philosophical Association

University of London, November 2001

“Anarchic Rights in the United States Constitution,” Institute for Advanced Legal Studies

Cambridge University, Cambridge, UK, September 2001

“Nietzsche, Spir and the Concept of Force,” Friedrich Nietzsche Society

University of Virginia School of Law, August 1999

“Emotivism, Utility Maximization, and the Incommensurability of Values”

Brooklyn Law School, February 1998

“Social Contract Theory and the Privilege Against Self-Incrimination”

University of Arizona College of Law, January 1998

“Social Contract Theory and the Privilege Against Self-Incrimination”

George Mason University School of Law, January 1998

“Social Contract Theory and the Privilege Against Self-Incrimination”

College of William & Mary School of Law, January 1998

“Social Contract Theory and the Privilege Against Self-Incrimination”

PRESENTATIONS & CONFERENCES (CONTINUED)

Tufts University, April 1993

“Schacht on Nietzsche’s Epistemology,” Symposium on Nietzsche

Chicago, Ill., April 1991

“Nietzsche on Pity and *Ressentiment*,” North American Nietzsche Society, American Philosophical Association

Tufts University, Department of Philosophy, February 1991

“Nietzsche on Hedonism and the Meaning of Life”

Technische Universität Berlin, Berlin, Germany, May 1990

“Intensionalism and Natural Kind Terms”

SERVICE

AMERICAN ASSOCIATION OF LAW SCHOOLS

Chair, Section on Conflict of Laws (2012)

AMERICAN PHILOSOPHICAL ASSOCIATION

Member, Committee on Philosophy and Law (2009-12)

COLLEGE OF WILLIAM & MARY, MARSHALL-WYTHE SCHOOL OF LAW

Curriculum Committee (2020)

Clerkship Committee (2017-20)

Dean’s Advisory Committee (2016-20) (Chair, 2016-17)

Appointments Committee (2006-09, 2010-12, 2013-14)

Curriculum Committee (2012-14)

Dean’s Advisory Committee (2012-13)

Chair, Faculty Research and Enrichment Committee (2008-09)

Liberal Arts University Steering Committee (University-Wide, 2009-10)

Provost Search Committee (University-Wide, 2009)

GEORGE MASON UNIVERSITY SCHOOL OF LAW

Admissions Committee (2004-05)

Building Committee (1999-2000)

Clerkship & Placement Committee (2004-05, Chair 1998-99)

Curriculum Committee (Chair, 2003-04)

Faculty Selection Committee (1999-2000)

Faculty Workshop Committee (2002-03, 1999-2000)

Law Review Advisory Committee (1998-99)

Library Committee (1998-99)

TUFTS UNIVERSITY

Search Committee (1991-92)

Tenure Committee (1992-93)

Committee on Fraternity and Sorority Life (University-wide, 1992-93)

Committee for the Protection of Human Subjects in Experimentation (University-wide, 1992-93)

REFEREEING

TENURE/PROMOTION

Brown Univ, (Philosophy)
Kings College London (Law)
Portland State Univ.
(Philosophy)
Valparaiso Univ. (Law)
Case Western Univ. (Law)
Univ. of Minnesota (Law)

PRESSES

Cambridge University Press
Palgrave Macmillan
MANZ'sche Verlags- und
Universitätsbuchhandlung
Springer Verlag

JOURNALS

HARVARD LAW REVIEW
LAW & PHILOSOPHY
LEGAL THEORY
OXFORD JOURNAL OF LEGAL
STUDIES
RES PUBLICA
REVUS
YALE LAW JOURNAL