

MICHAEL STEVEN GREEN

College of William and Mary
Marshall-Wythe School of Law
P.O. Box 8795
Williamsburg, VA 23187

(757) 221-7746

msgre2 |at| wm |dot| edu

<http://msgre2.people.wm.edu/>

SSRN page: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=334491

PERSONAL

Born 1960
Married to Kiersten Boyce
Two children

EMPLOYMENT & ACADEMIC APPOINTMENTS

- Since 2006 **COLLEGE OF WILLIAM & MARY, *Professor of Law***
· Cabell Research Professor 2007-08
· Blackstone Lecturer 2010
- 2003-2005 **GEORGE MASON UNIVERSITY, *Associate Professor of Law***
· Tenured May 2005
- 2001-2002 **UNIVERSITY OF LONDON, KING'S COLLEGE SCHOOL OF LAW, *Visiting Research Fellow***
- 1998-2003 **GEORGE MASON UNIVERSITY, *Assistant Professor of Law***
- 1997-98 **PAUL, WEISS, RIFKIND, WHARTON, & GARRISON, NEW YORK, *Associate***
- 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***
· Offered position as associate
- Summer 1995 **PAUL, WEISS, RIFKIND, WHARTON, & GARRISON, NEW YORK, *Summer Associate***
- Summer 1994 **OFFICE OF LEGAL COUNSEL, NEW YORK UNIVERSITY, *Law Clerk***
- 1991-93 **TUFTS UNIVERSITY, *Assistant Professor of Philosophy (Tenure-Track)***
· Position renewed for 1993-1995
- 1990-91 **UNIVERSITY OF ALABAMA, HUNTSVILLE, *Instructor in Philosophy***
- 1990 **TECHNISCHE UNIVERSITÄT, BERLIN, *Stiftung Luftbrückendank (Berlin Airlift Memorial Foundation) Fellow***
- Fall 1989 **WESLEYAN UNIVERSITY, *Visiting Instructor in Philosophy***
- Fall 1989 **YALE UNIVERSITY, *Instructor in Philosophy***
- 1987-88 **FREIE UNIVERSITÄT, BERLIN, DAAD (German Academic Exchange Service) Fellow**

EDUCATION

J.D. (1996), YALE LAW SCHOOL

- Senior Editor, *Yale Law Journal*
- Israel H. Peres Prize, awarded by faculty for best note in *Yale Law Journal*, 1994-95
- Olin Fellow with Center for Studies in Law, Economics, and Public Policy

PH.D. IN PHILOSOPHY (1990), YALE UNIVERSITY

- Dissertation: Nietzsche's Non-Cognitivist Metaethics and Epistemology (advisor: Karsten Harries)
- University Fellow, Teaching Fellow

B.A. IN HUMANITIES (1982), UNIVERSITY OF CALIFORNIA, BERKELEY

- Graduated *summa cum laude* in major
- Graduated with highest distinction in general scholarship
- Phi Beta Kappa
- Regents Scholar, Alumni Scholar

PUBLICATIONS

BOOKS

- 1) NIETZSCHE AND THE TRANSCENDENTAL TRADITION (International Nietzsche Studies series - University of Illinois Press 2002)

- Reviews: Nadeem J.Z. Hussain, 113 PHILOSOPHICAL REVIEW 275-77 (2004)
Tsarina Doyle, 12 EUROPEAN JOURNAL OF PHILOSOPHY 131-35 (2004)
Tom Bailey, *After Kant: Green and Hill on Nietzsche's Kantianism*, 35 NIETZSCHE-STUDIEN 228-62 (2006)

ARTICLES & ESSAYS

- 19) *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)
- 18) *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)
- 17) *Leiter on the Legal Realists*, LAW & PHILOSOPHY (forthcoming)
 - Review essay on BRIAN LEITER, NATURALIZING JURISPRUDENCE: ESSAYS ON AMERICAN LEGAL REALISM AND NATURALISM IN LEGAL PHILOSOPHY (Oxford U. Press 2007)
- 16) *Why Protect Private Arms Possession? Nine Theories of the Second Amendment*, 84 NOTRE DAME LAW REVIEW 131-89 (2008)
- 15) *Does Dworkin Commit Dworkin's Fallacy?*, 28 OXFORD JOURNAL OF LEGAL STUDIES 33-55 (2008)
- 14) *Dworkin v. The Philosophers*, 2007 UNIVERSITY OF ILLINOIS LAW REVIEW 1477-1503 (2007)
 - Review essay on RONALD DWORKIN, JUSTICE IN ROBES (Harvard U. Press 2006)
- 13) *Explaining Tort Law*, 48 WILLIAM & MARY LAW REVIEW 1953-54 (2007) (symposium introduction)
- 12) *Legal Revolutions: Six Mistakes about Discontinuities in the Legal Order*, 83 NORTH CAROLINA LAW REVIEW 331-409 (2005)
- 11) *Halpin on Dworkin's Fallacy: A Surreply*, 91 VIRGINIA LAW REVIEW 187-201 (2005)

PUBLICATIONS (CON'T)

- 10) *White and Clark on Nietzsche and the Transcendental Tradition: A Response*, 36 INTERNATIONAL STUDIES IN PHILOSOPHY 169-99 (2005)
- 9) *Legal Realism as Theory of Law*, 46 WILLIAM AND MARY LAW REVIEW 1915-2000 (2005)
- 8) *Nietzsche's Place in Nineteenth Century German Philosophy*, 47 INQUIRY: AN INTERDISCIPLINARY JOURNAL OF PHILOSOPHY 168-88 (2004)
 - Review essay on WILL DUDLEY, HEGEL, NIETZSCHE, AND PHILOSOPHY: THINKING FREEDOM (Cambridge U. Press 2002)
- 7) *Dworkin's Fallacy, Or What the Philosophy of Language Can't Teach Us about the Law*, 89 VIRGINIA LAW REVIEW 1897-1952 (2003)
- 6) *Copyrighting Facts*, 78 INDIANA LAW JOURNAL 919-64 (2003)
 - Reprinted in INTELLECTUAL PROPERTY LAW REVIEW (Karen B. Tripp. ed. 2004)
 - Croatian translation by Zeljko Mrcic, forthcoming
- 5) *Hans Kelsen and the Logic of Legal Systems*, 53 ALABAMA LAW REVIEW 365-413 (2003)
 - Chinese translation by Chen Rui in LEGAL POSITIVISM (Tsinghua University Press 2007)
- 4) *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)
- 3) *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)
- 2) Note, *Legal Realism, Lex Fori, and the Choice-of-Law Revolution*, 104 YALE LAW JOURNAL 967-94 (1995)
- 1) *Nietzsche on Pity and Ressentiment*, 24 INTERNATIONAL STUDIES IN PHILOSOPHY 63-70 (1992)

PRESENTATIONS & CONFERENCES (ALL BY INVITATION)

- 29) TBA, Legal Science and Legal Theory – a conference commemorating the 50th anniversary of the second edition of Hans Kelsen's *Pure Theory of Law*, Oxford University (September 2010)
- 28) "Horizontal Erie: Interpreting Sister State Law," University of San Diego Law School (October 2009)
- 27) "Incommensurability, Quasi-Realism, and Economics," Thomas Jefferson School of Law, San Diego, CA (October 2009)
- 26) Participant, Annual Conference on Analytic Legal Philosophy, King's College London (May 2009)
- 25) "Kelsen, Quietism, and the Rule of Recognition" and "Why Protect Private Arms Possession?," Faculty of Law, University of Uppsala, Sweden (August 2008)
- 24) "Kelsen, Quietism, and the Rule of Recognition," Conference on the Rule of Recognition and the U.S. Constitution, University of Pennsylvania Law School (May 2008)
- 23) "Copyright, Collective Facts, and the Fallacy of Division," Symposium on Copyright in Factual and Functional Works, George Washington University Law School (September 2007)
- 22) Participant, Annual Conference on Analytic Legal Philosophy, UC Berkeley (April 2007)
- 21) "Natural Rights Arguments for the Second Amendment," Institute for Law and Philosophy, University of Pennsylvania Law School (March 2007)

PRESENTATIONS & CONFERENCES (CON'T)

- 20) Respondent, Conference on Joseph Raz's *Morality of Freedom: 20 Years Later*, James Madison Program, Princeton University (October 2006)
· Webcast available at <http://web.princeton.edu/sites/JMadison/events/lectures/video/Raz.html>
- 19) Participant, Annual Conference on Analytic Legal Philosophy, UCLA (April 2006)
- 18) Moderator, Conference on Law and Morality, William & Mary School of Law (March 2006)
- 17) "Kelsen and the English," Workshop on Hans Kelsen's Legal Theory, Washington University in St. Louis (March 2006)
- 16) Participant, Conference on Conceptual Issues in Constitutional Law, Institute for Law & Philosophy, University of San Diego (November 2005)
- 15) Participant, Roundtable on Modern Analytic Jurisprudence at Idyllwild, Ca., sponsored by the Program in Law & Philosophy, University of Illinois, and the Institute for Law & Philosophy, University of San Diego (September 2005)
- 14) Participant, Annual Conference on Analytic Legal Philosophy, University of Texas at Austin (April 2005)
- 13) "The Challenge of Legal Realism," College of William & Mary School of Law (September 2004)
- 12) "Author Meets Critics: *Nietzsche and the Transcendental Tradition*," North American Nietzsche Society, American Philosophical Association, San Francisco (March 2003)
- 11) "Anarchic Rights in the United States Constitution," Institute for Advanced Legal Studies, University of London (November 2001)
- 10) "Nietzsche, Spir and the Concept of Force," Friedrich Nietzsche Society, Cambridge University (September 2001)
- 9) "Emotivism, Utility Maximization, and the Incommensurability of Values," University of Virginia School of Law (August 1999)
- 8) "Social Contract Theory and the Privilege Against Self-Incrimination," Brooklyn Law School (February 1998)
- 7) "Social Contract Theory and the Privilege Against Self-Incrimination," University of Arizona Law School (January 1998)
- 6) "Social Contract Theory and the Privilege Against Self-Incrimination," George Mason University School of Law (January 1998)
- 5) "Social Contract Theory and the Privilege Against Self-Incrimination," William & Mary School of Law (January 1998)
- 4) "Schacht on Nietzsche's Epistemology," Symposium on Nietzsche at Tufts University (April 1993)
- 3) "Nietzsche on Pity and *Ressentiment*," North American Nietzsche Society, American Philosophical Ass'n, Chicago (April 1991)
- 2) "Nietzsche on Hedonism and the Meaning of Life," Tufts University, Department of Philosophy (February 1991)
- 1) "Intensionalism and Natural Kind Terms," Technische Universität Berlin (May 1990)

MEDIA APPEARANCES

- 2) Interview by Ukrainian Service of Polish Radio concerning the life and philosophy of Afrikan Spir (October 2008)
- 1) Moderator for Discussion of Restrictions on Press during Gulf War, WHNT News, Huntsville, Alabama (April 1991)

WORKS IN PROGRESS

- “Horizontal Erie: Interpreting Sister State Law”
- “Horizontal Erie: Choosing Sister State Law”
- “Sideways: Transforming the Erie Doctrine through Horizontal Choice of Law”
- “Incommensurability, Quasi-Realism, and Economics”
- Fundamental Problems in the Philosophy of Law [book manuscript]

TEACHING EXPERIENCE

COLLEGE OF WILLIAM & MARY SCHOOL OF LAW

Conflict of Laws
Civil Procedure
Philosophy of Law
Legal Ethics
Special Topics in Civil Procedure (Erie Doctrine)

GEORGE MASON UNIVERSITY SCHOOL OF LAW

Civil Procedure
Jurisprudence
Professional Responsibility

TUFTS UNIVERSITY

Introduction to Philosophy
Modern Philosophy
Phenomenology & Existentialism
Kant
19th Century Philosophy
Wittgenstein and Moral Realism (seminar)

UNIVERSITY OF ALABAMA, HUNTSVILLE

Ethics
Introductory Logic
Ethical Issues in Engineering

YALE UNIVERSITY

Advanced First-Order Logic (graduate-level)

WESLEYAN UNIVERSITY

Introductory Logic

REFEREEING

TENURE/PROMOTION

Brown University (Philosophy)
Portland State University (Philosophy)
Valparaiso University (Law)

PRESSES/JOURNALS

Cambridge University Press
LAW & PHILOSOPHY
LEGAL THEORY

SERVICE

UNIVERSITY

WILLIAM & MARY SCHOOL OF LAW

Appointments Committee (2006-09, 2010)
Chair, Faculty Research and Enrichment Committee (2008-09)

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)

PROFESSIONAL

AMERICAN PHILOSOPHICAL ASSOCIATION

Member, APA Committee on Philosophy and Law (2009-2012)

OTHER

· Proficient in German