

Curriculum Vitae
Barbara Baum Levenbook
Professor of Philosophy

Office address: Department of Philosophy and Religious Studies
Campus Box 8103
North Carolina State University
Raleigh, NC 27695-8103
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Academic Qualifications

Ph.D. University of Arizona, 1977
M.A. University of Rochester, 1972
A.B. University of Rochester, 1971

Areas of Specialization and Competence

Area of specialization: philosophy of law
Areas of competence: social and political philosophy, ethics, metaethics

Honors and Awards

NEH Fellowship for College Teachers, 1995
CHASS Summer Stipend, May-June 1994
NEH Fellowship for College Teachers, 1984-85
Arts and Sciences Summer Research Fellowship, University of Oklahoma, June-July 1978

Professional Experience

2021- Professor Emerita
2015-2021 Professor of Philosophy, NCSU
1986-2015 Associate Professor of Philosophy, NCSU
1980-86 Assistant Professor of Philosophy, NCSU
1977-80 Assistant Professor of Philosophy, University of Oklahoma

Publications (Sole authored unless otherwise indicated)

Articles in Professional Journals

- “A Puzzle about Legal Systems and Democratic Theory,” *Jurisprudence* (2020)
<https://www.tandfonline.com/doi/full/10.1080/20403313.2020.1726689>
“Dworkin’s Theoretical Disagreement Argument,” *Philosophy Compass* 10 (15 Jan. 2015): 1-9.
“How a Statute Applies,” *Legal Theory* 12 (2006): 71-112.
“The Meaning of a Precedent,” *Legal Theory* 6 (2000): 185-240.
“Are There Any Positive Rights?” *Archiv für Rechts- und Sozialphilosophie* 42 (1990): 156-66.
“Responsibility and the Normative Order Assumption,” *Law and Contemporary Problems* 49 (1986): 81-8.
“Harming the Dead, Once Again,” *Ethics* 96 (1985): 162-164.
“The Role of Coherence in Legal Reasoning,” *Law and Philosophy* 3 (1984): 355-74.
---Reprinted in Aulis Aarnio and D. Neil MacCormick, eds., *Legal Reasoning*, vol. 11 (New York: NYU Press, 1992), pp. 199-218.
“On Universal Relevance in Legal Reasoning,” *Law and Philosophy* 3 (1984): 1-23.

- “Harming Someone After His Death,” *Ethics* 94 (1984): 407-419.
- “Discretion and Dispositive Concepts,” *Canadian Journal of Philosophy* 11 (1981): 613-31.
- “Prohibiting Attempts and Preparations,” *UMKC Law Review* 49 (1980): 41-63.
- “D-Theories, Discretion and the Justification of Adjudication,” *Social Theory and Practice* 5 (1980): 331-45.
- “That Makes It Worse,” *The Monist* 63 (1980): 94-111.
- “On Preferential Admission,” *Journal of Value Inquiry* 14 (1980): 255-73.
- With T. R. Girill: “The Parti-Resultantness of Requirement: An Explanation That Failed,” *Philosophical Studies* 37 (1980): 17-40.

Contributions to Books and Encyclopedias

- "Commentary on Canale" (title subject to editor's change) in Michael Green, Luka Burazin and Giorgia Pino, eds., *Jurisprudence in the Mirror: The Civil Law World Meets the Common Law World* (Oxford University Press, forthcoming)
- "The Relevance of Literary Interpretation," in Thomas Bustamante and Margaret Martin, eds. *New Essays on the Fish-Dworkin Debate* (Hart Publishing, forthcoming)
- “Supplanting Defeasible Rules,” in Sebastian Lewis, Timothy Endicott, and Hafsteinn Kristjansson, eds., *Philosophical Foundations of Precedent* (Oxford University Press, forthcoming)
- “The Law of the Street,” in Mark McBride and James Penner, eds., *New Essays on the Nature of Legal Reasoning* (Hart, 2022): 23-44.
- “Mark Greenberg on Legal Positivism,” in Torben Spaak and Patricia Mindus (eds) *The Cambridge Companion to Legal Positivism* (Cambridge University Press, 2020) pp. 742-763.
- “A Puzzle About Legal Systems and Democratic Theory,” in Thomas Bustamante, Katya Kozicki, et al., eds., *Equality, Practical Reason, and the Rule of Law*, Institutional Publication of the Programas de Pós-Graduação em Direito of the Federal University of Minas Gerais and the Federal University of Paraná, Brazil (forthcoming)
- “Postema’s Account of Integrity” in Thomas Bustamante and Thiago Lopes Decat (eds), *Philosophy of Law as an Integral Part of Philosophy: Essays on the Jurisprudence of Gerald J. Postema* (Hart, 2020, forthcoming) pp. 47-79.
- “Does Dignity Help in Thinking about Paternalism?” in Salman Khurshid, Veronica Rodriguez-Blanco, and Lokendra Malik, eds., *Dignity in the Legal and Political Philosophy of Ronald Dworkin* (Oxford University Press, 2018) Ch. 9, pp. 221-244.
- “Soames, Legislative Intent, and the Meaning of a Statute,” in Graham Hubbs and Douglas Lind, eds., *Pragmatism, Law, and Language*, Routledge Studies in Contemporary Philosophy (Routledge, 2014) vol. 11, pp. 40-55.
- “How to Hold the Social Fact Thesis – a Reply to Greenberg and Toh,” in Leslie Green and Brian Leiter, eds., *Oxford Studies in Philosophy of Law* (Oxford University Press, 2013) vol. 2, pp. 75-102.
- “Welfare and Harm After Death,” in James Taylor, ed., *The Metaphysics and Ethics of Death: New Essays* (Oxford University Press, 2013), pp. 188-209.
- “The Retroactivity Problem,” in *Time and Identity* (Topics in Contemporary Philosophy, vol. 6), ed. O'Rourke, Campbell and Silverstein (Cambridge: MIT Press, 2010), pp. 297-308.
- “Disposition of Remains,” in *Philosophy of Law: An Encyclopedia*, ed. Christopher Gray, vol. 1 (New York: Garland Publishing, 1999), pp. 216-19.

With Joel Feinberg: "Abortion," in Tom Regan, ed., *Matters of Life and Death*, 3rd edition (New York: McGraw-Hill, 1993), pp. 195-234.

"Is There A Problem of Justification? A Reply To Fishkin," in J. Roland Pennock and John W. Chapman, eds., *Justification in Ethics, Law & Politics: Nomos XXVIII* (New York: NYU Press, 1985), pp. 232-40.

"Examining Legal Restrictions On The Retarded," in Loretta Kopelman and John C. Moskop, eds., *Ethics and Mental Retardation* (Dordrecht, Holland, 1984), pp. 209-21.

Reviews and Other Scholarly Writings

"One Less Reason to Believe There is a Moral Duty to Obey the Law," Review of Hasan Dindjer, "The New Legal Anti-Positivism," *Legal Theory* 26 (September 2020): 181-213. Jotwell. Jurisprudence section. <https://jotwell.com/page/10/>. September 14, 2021

"Greenberg Got It Wrong: What Legal Practice Does and Does Not Reveal About Legal Content," Review of Dale Smith, "The Practice-Based Objection to the 'Standard Picture' of How Law Works," 10 *Jurisprudence* 502 (2019). Jotwell. Jurisprudence section. <https://jotwell.com/page/5/>. August 4, 2020

"Reasons to Comply with the Law," Review of Noam Gur, *Legal Directives and Practical Reason* (2019). Jotwell, Jurisprudence section. <http://juris.jotwell.com/2019> August 12, 2019.

"Does Belief Beyond a Reasonable Doubt Require Unanimity?" Review of Youngjae Lee, "Reasonable Doubt and Disagreement," *Legal Theory* 23 (December 2017): 203-257. Jotwell, Jurisprudence section. <http://juris.jotwell.com/2018> September 5, 2018

"The Ends of Jurisprudence: A Guide to the Perplexed," review of David Plunkett and Scott Shapiro, 'Law, Morality, and Everything Else: General Jurisprudence as a Branch of Metanormative Inquiry,' *Ethics* vol. 128 (2017),₂ Jotwell, Jurisprudence section. <http://juris.jotwell.com/> September 8, 2017

"Taking Interpretive Statutes Seriously," review of William Baude and Stephen E. Sachs, 'Law of Interpretation,' 130 *Harvard Law Review* 1079 (2017)," Jotwell, Jurisprudence section. <http://juris.jotwell.com/> August 5, 2016

Review of Alon Harel, *Why Law Matters*, Notre Dame Philosophical Reviews <https://ndpr.nd.edu/news/61517-why-law-matters/> October 7, 2015.

"Moral Argument in Legal Disputes: Why So Many Are Mistaken," review of David Plunkett and Tim Sundell, "Antipositivist Arguments from Legal Thought and Talk," in Graham Hubbs and Douglas Lind, eds., *Pragmatism, Law and Language* (Routledge, 2014), pp. 56-75. Jotwell, Jurisprudence section. <http://juris.jotwell.com/> July 21, 2015

"Meaning, Intention, and Mental States," review of Lawrence B. Solum, "Artificial Meaning," *Washington Law Review* 69 (2014): 69-86 in Jotwell, Jurisprudence section. <http://juris.jotwell.com/> July 29, 2014.

"Mistake of Fact, Moral Justification, and Justificatory Defenses in Law," review of Re'em Segev, "Justification Under Uncertainty," *Law and Philosophy* 31 (September 2012): 523-63, in Jotwell, Jurisprudence section. <http://juris.jotwell.com/> August 6, 2013.

"Attempts as Attacks," *Criminal Justice Ethics* 18 (1999): 52-60. (invited review)

"Gender and the Justification of Precedent," APA [American Philosophical Association] Newsletter, joint issue for Philosophy and Law and Feminism and Philosophy, 94, no. 2 (Spring 1995): 69-72.

Book Review of Ferdinand Schoeman, *Privacy and Social Freedom*, *Ethics*, 105, no. 2 (January 1995): 421-22. (invited)

“Defender of the Realm: Thomson on Rights,” *Law and Philosophy* 11 (1992): 449-55. (invited review)

“The Sustained Dworkin,” *University of Chicago Law Review* 53 (1986): 1108-26. (Review essay)

“Criminal Harm” (Bibliographic essay), *Criminal Justice Ethics* 1 (1982): 48-53.

Bibliographic essay, “Privacy,” *APA Newsletter on Philosophy and Law* 14 (1982): 1-3.

Book review of Schuchman, *Problems of Knowledge in Legal Scholarship*, *Canadian Philosophical Reviews* 1 (1981): 221-24.

Bibliographic essay, “Law and Anthropology,” *APA Newsletter on Philosophy and Law*, 1979.

Scholarly Presentations

“The Law of the Street,” presented to the University of Durham Centre for Law and Philosophy as inaugural guest lecture, December 3, 2020.

“A Puzzle about Legal Systems and Democratic Theory,” presented at the Democratic Authority workshop of the XXIX World Congress of the International Association for Philosophy of Law and Social Philosophy, Lucerne, Switzerland July 8, 2019

“The Failure of Dignity,” presented at the Metaphysics, Morality, and Interpretation in Dworkin’s Justice for Hedgehogs workshop of the XXIX World Congress of the International Association for Philosophy of Law and Social Philosophy, Lucerne, Switzerland July 12, 2019

“Prolegomena to Any Future Theory of Legal Content,” presented at the Workshop on Legal Content, Legal Theory Festival, the University of Edinburgh Law School May 28, 2019.

“Mark Greenberg’s Critique of Legal Positivism,” presentation in Higher Seminar Series in Philosophy of Law, Uppsala University, Uppsala, Sweden, March 8, 2018

“A Puzzle about Legal Systems and Democratic Theory,” presented to Philosophical Society, Uppsala University, Uppsala, Sweden, March 7, 2018

“A Puzzle about Legal Systems and Democratic Theory,” plenary paper presented to III International Conference of Constitutional Law and Political Philosophy, Federal University of Paraná, Curitiba, Brazil, October 25, 2017.

“Does Dignity Help in Thinking about Paternalism?” presented at the University of Edinburgh Law School May 29, 2017

“Why Ekins’s Approach to Statutory Content Fails,” presented to the Jurisprudence Discussion Group, Oxford University, May 25, 2017

“Not My Problem: Legal Positivism and Dworkin’s Theoretical Disagreement (revised),” presented May 23, 2017 to Surrey Centre for Law and Philosophy, Guildford, Surrey, England

“Not My Problem: Legal Positivism and Dworkin’s Theoretical Disagreement,” presented April 1, 2017 to the Law and Theoretical Disagreement Roundtable, Duke Law School, Durham, North Carolina

“Beyond Legislative Intent,” presented to IVR World Congress, “Law, Reason, and Emotion,” Georgetown Law Center, July 27, 2015 Washington, D. C.

“Beyond Legislative Intent,” presented to seminar of Edinburgh Centre for Law and Society, Edinburgh Law School, March 12, 2015, Edinburgh, Scotland

“Dworkin’s Theoretical Disagreement Argument,” presented to Edinburgh Law School Legal Theory Reading Group, March 11, 2015, Edinburgh, Scotland

“Beyond Legislative Intent,” presented to NCSU Philosophy Department September 4, 2014

“Statutory Implicatures Without Legislative Intent,” Workshop on Law and Language, Monash University Law Chambers, Melbourne, Australia (December 11, 2012) (invited research presentation)

“Soames, Legislative Intent, and the Meaning of a Statute,” Inland Northwest Philosophy Conference, University of Idaho, Moscow, Idaho (March 23-24, 2012)

“Deflating the Argument from Theoretical Disagreement,” presented to McMaster University philosophy department, Hamilton, Ontario (November 4, 2011) (invited research presentation)

“Upholding the Social Thesis,” presentation to Stefan Sciaraffa’s graduate seminar in philosophy of law, McMaster University, Hamilton, Ontario (November 3, 2011) (invited research presentation)

“How to Hold the Social Fact Thesis – a Reply to Greenberg and Toh,” McMaster Philosophy of Law Conference, “The Nature of Law: Contemporary Perspectives,” Hamilton, Ontario (May 13, 2011)

“How to Hold the Social Fact Thesis – a Reply to Greenberg and Toh,” North Carolina Philosophical Society, Queen’s University, Charlotte, N.C. (February 27, 2010)

“Misfortune and Harm After Death,” presentation to Department’s Philosophy Club (October 27, 2005)

“How a Statute Applies,” 10th Annual Analytic Legal Philosophy Conference, University of Texas-Austin School of Law, Austin, Texas (April 8-9, 2005) (invited research presentation)

“The Retroactivity Problem,” 8th Annual Inland Northwest Philosophy Conference, University of Idaho, Moscow, Idaho (April 2, 2005)

“The Meaning of a Statute: The Simplest Case,” Twentieth World Congress of the IVR, [Internationale Vereinigung für Rechtsphilosophie, International Association for Philosophy of Law and Social Philosophy] Amsterdam (June 21, 2001)

“Statutory Meaning at its Simplest and Material Conventionalism,” North Carolina Philosophical Society, University of North Carolina at Greensboro, Greensboro, N. C. (February 23, 2001)

“Legal Precedent, Rules, and the Guidance of Conduct,” *can’t remember where I read it.* (April 10, 1996)

“Historical Rectification and the Lifespan of Historical Rights: A Comment on Professor Simmon’s Paper,” Eighteenth Annual Greensboro Symposium in Philosophy, University of North Carolina at Greensboro, Greensboro, N. C. (April 9, 1994)

“Legal Obligations, or What Hart Should Have Said,” Research Triangle Ethics Circle [formerly Discussion Group] (October 31, 1989)

“Are There Any Welfare Rights?” Fourteenth World Congress of the IVR, Edinburgh, Scotland, (August 21, 1989)

“Law and Integrity: Dworkin’s Theory,” Seminar on Dworkin’s *Law’s Empire*, Program in the Humanities and Human Values, UNC-Chapel Hill (September 23, 1988)

“The Normativity of Law Revisited,” Research Triangle Ethics Discussion Group (March 22, 1988)

“The Harm of a Killing,” American Philosophical Association Eastern Division Meeting, Boston (December 29, 1986)

“Degree of Coherence,” Research Triangle Ethics Discussion Group (October 7, 1986)

“Reply to Weinreb,” Conference on Responsibility, Duke University, Durham, N. C. (April 18, 1985)

“What is the Legitimacy Crisis of Liberal Theory? Reply to Fishkin,” American Society for Political and Legal Philosophy segment of American Philosophical Association Eastern Division meeting, Boston (December 28, 1983)

“Justifying Legal Restrictions on the Retarded,” Symposium on the Rights of the Retarded, East Carolina School of Medicine, Greenville, N.C. (October 1981)

“Harming the Dead,” Amintaphil [American Section of the International Association for Philosophy of Law and Social Philosophy] Conference on Harm, Westminster Institute, London, Ontario (April 1981)

“Aggravating Circumstances and the Death Penalty,” Interdisciplinary Conference on Capital Punishment, Georgia State University, Atlanta, Georgia (April 1980)

“Obligations to Past Generations,” Conference on Human Rights, University of Dayton, Dayton, Ohio (March 1980)

“Discretion and Models of Adjudication for the Anglo-American Legal Systems,” Ninth Plenary World Congress of the IVR, Basel, Switzerland (August 1979)

“D-Theories, Discretion and the Justification of Adjudication,” American Philosophical Association 77th Annual Western Division meeting [now known as Central Division meeting], Denver (April 19-21, 1979)

“Getting Clear on No Right Answer,” American Philosophical Association Pacific Division meeting, San Diego (March 23-25, 1979)

“Backing Bakke,” Mountain-Plains Philosophy Conference, University of Colorado-Boulder (October 13, 1978)

“Comment: Parti-Resultantness and Requirement,” American Philosophical Association Pacific Division meeting, San Francisco (March 24, 1978)

Appointments to Editorial Boards

Contributing Editor, Jotwell, Jurisprudence section, Summer 2013-present

Member, editorial board of Ethics: An International Journal of Social, Political and Legal Philosophy, 1993-99

Professional Service

Contributing Editor, Jotwell, Jurisprudence section, Summer 2013-present

Referee, Legal Theory, Fall 2013

National Endowment for the Humanities Philosophy Panel referee in philosophy, Summer 2012

External reviewer for promotion to Associate Professor, Osgoode Hall Law School, York University, Summer 2012

Member, editorial board of Ethics, 1993-99

Reviewer for Wadsworth Publishing Company, 1998

Referee, Law and Philosophy, 1997-98

Reviewer for Broadview Press, Fall 1997

Member, Nominations Committee, Amintaphil [American Section of the International Association for Philosophy of Law and Social Philosophy], 1994

Referee, Ethics, 1980-81, 1986-87, 1988, 1990-93

Referee, Noûs, 1990-91

Reviewer for Holt, Rinehart and Winston, 1990-91

Referee, National Endowment for the Humanities, 1988

Reviewer for SUNY Press, 1986-87

Reviewer for Cambridge University Press, 1986-87

Member, APA Committee on Law and Philosophy, 1984-87

Member, Membership Committee, Amintaphil, 1982-83

Referee, Criminal Justice Ethics

Referee, Southwestern Journal of Philosophy

Referee, Philosophical Studies, 1980-81

Referee, Mountain-Plains Association meetings, 1979 and 1980

Member, Executive Committee of Mountain-Plains Association, 1978-79, 1979-80

Session chair, Southwestern Philosophical Society meeting, Austin, Texas, 1979

Referee, Southwestern Philosophical Society meeting, Austin, Texas, Fall 1979

H. L. A. Hart Visiting Fellowship to Oxford Center for Ethics and Philosophy of Law, University College, Oxford (for Spring 2014)

Fernand Braudel Senior Fellowship to Department of Law, EUI, Florence (for Spring 2014)

NEH Summer Stipend for Summer 2014
National Humanities Center Fellowship for 1994-95
Stanford Humanities Center External Faculty Fellowship for 1994-95
ACLS Travel Grant for 1989 travel to IVR World Congress in Edinburgh
(With law Professor Drew Kershen) Project Quill, Association of American Colleges, teaching grant to prepare and team teach a two-week seminar, “The Role of the Judiciary: Legal Reasoning and Legal Rights” to members of the Oklahoma bar, law students, and graduate students in liberal arts for 1979

Participation in Conferences and Workshops

In addition to those at which I have given presentations (see above), I have participated in the following conferences and workshops on topics related to my academic specialty:

Attended one day of (online) Legal Philosophy Workshop, June 16, 2020.

Attended (online) seminar/talk by Haris Psarras April 29, 2020. Surrey Centre for Law and Philosophy

Edinburgh Legal Theory Festival, University of Edinburgh, Scotland, May 30-June 1, 2017

Fourth Annual Legal Philosophy Workshop, University College London, May 26-27, 2017

Analytic Legal Philosophy Conference 2001-06, 2008-09, 2011-15, 2017-2019, 2022; various venues in U.S., Canada and England (invited participant)

Rutgers Institute for Law and Philosophy conference, “The Idea of Law as a Practice,” Camden, New Jersey (June 2008)

Nineteenth World Congress of the IVR on Philosophy of Law and Social Philosophy, Pace University, NYC (June 1999)

Informal workshop on Gibbard’s *Wise Choices, Apt Feelings*, National Humanities Center, Research Triangle Park, conducted by Simon Blackburn (1991-92)

Outreach and Other Scholarly Activities

(Online) presentation to two second grade social studies classes Carrboro Elementary School October 23, 2020 on the difference and relationship between law and rules.

Participation in two podcasts: talk on applying Kant’s second formulation to the exploitation of nannies: March 2020. <https://www.facebook.com/thethirdparent/videos/2273422616300521/>

Recorded March 19, 2020:

<https://ia801200.us.archive.org/21/items/NannyCastR002/Coronavirus%20Special%200002.mp3>

Interview and participation in audio podcast, “Wishes of the Dead,” summer 2017, posted January 2017 <https://soundcloud.com/hiphination/episode-1-wishes-of-the-dead>

“Philosophical Ethics, Aristotle, and Maimonides,” lecture at Jewish Community Center, Raleigh (October 13, 2004)

“Using Real Stories of Victimization in Training Victim Service Advocates and Professionals: The Ethical Issues,” talk to Triangle Trainers (July 22, 2003)

“Socrates and Plato,” lesson taught to four Durant Road Middle School (Raleigh, N.C.) sixth grade social studies classes (December 9, 1998)

Expert witness in habeas corpus death penalty case, Ex Parte Ronald Curtis Chambers vs. The State of Texas (1996-97)

Expert witness in death penalty case appeal, The State of Texas v. Bruce Charles Jacobs (1996)

Expert witness in death penalty case appeal, State of North Carolina v. Timothy Lanier Allen (1994)

Consultant in death penalty case appeal, State of North Carolina v. Michael Van McDougall (1987)

“The Philosophical Perspective on Punishment,” lecture to inmates as part of program, “Women and Prisons: Their History and Future,” sponsored by Oklahoma Humanities Committee and the

National Endowment for the Humanities, Women's Treatment Facility, Department of Corrections, Oklahoma City, Oklahoma (August 12, 1977)
Part of panel discussion, "Historic Preservation in Oklahoma," sponsored by Oklahoma Humanities Committee, Guthrie, Oklahoma (April 1977)

Revised Date
April 2022