

(revised 10/1/14)

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## EMPLOYMENT

1987-present William W. and Gertrude H. Saunders Professor of Law, Stanford University (2003- ); Professor of Law and Deane Johnson Faculty Scholar (1993-2003); Associate Professor (1991-93); Assistant Professor (1987-91).  
  
Subjects taught: contracts, federal income taxation, legal theory, tax policy, distributive justice, property, contract theory, modern American legal thought; moral psychology.

2009-2010 Fellow, Center for Advanced Study in the Behavioral Sciences.

Fall 2002 Visiting Professor, NYU Law School.

1998-1999 Visiting Professor, NYU Law School.

1984-1987 Associate, Paul Weiss Rifkind Wharton and Garrison, New York City.

1983-1984 Law clerk, The Hon. J. Edward Lumbard, U.S. Court of Appeals, Second Circuit.

## EDUCATION

1980-1983	HARVARD LAW SCHOOL J.D. magna cum laude.	Cambridge, Mass.
1978-1980	HARVARD UNIVERSITY M.A., English and American Literature.	Cambridge, Mass.
1974-1977	HARVARD UNIVERSITY	Cambridge, Mass.

B.A. magna cum laude, English and American Literature.

HONORS  
and AWARDS  
(legal)

John Bingham Hurlbut Award for Excellence in Teaching,  
Stanford Law School, 1991, 2000, 2006  
Deane Johnson Award for Excellence in Teaching and  
Research, 1996

HONORS  
and AWARDS  
(nonlegal)

Phi Beta Kappa, Radcliffe College.  
George B. Sohier Prize, Harvard University, for best  
thesis in English or Modern Literature.  
LeBaron Russell Briggs Prize, Harvard University, for best thesis  
in English or American Literature.

PUBLICATIONS  
(legal)

*The Progressive Assault on Laissez Faire: Robert Hale and the  
First Law and Economics Movement* (Harvard University Press,  
1998).

Response to Bloom, "Against Empathy." *Boston Review*  
July/August 2014.

"Beyond Blame." *Boston Review* July/August 2013 (lead article in  
Boston Review Forum).

"But Seriously, Folks, What Do People Really Want?" 65  
*Stanford Law Review* 1249 (2013)

"The Unwritten *Theory of Justice*: Rawlsian Liberalism versus  
Libertarianism." *The Blackwell Companion to Rawls*, Jon Mandle  
and David Reidy, eds. (2013)

"The Case for a Progressive Benefits Tax." *Taxation and Political  
Philosophy*, Martin O'Neill and Shepley Orr, eds. (Oxford  
University Press, 2013).

"The Limits of Personal Responsibility." *Boston Review* Nov/Dec  
2012.

"The Limits of a Nonconsequentialist Approach to Torts." *Legal  
Theory* 18: 231-262 (2012).

“What *Does* Matter? The case for killing the trolley problem (or letting it die).” *Philosophical Quarterly*, 62:505-529 (July 2012)

“The Holmesian Bad Man Flubs His Entrance.” Proceedings of Symposium on the 30<sup>th</sup> Anniversary of *Contract as Promise*, 45 *Suffolk Law Review* 627-64 (2012).

“Can Contractualism Save Us From Aggregation?” *Journal of Ethics* 16:1, 39-66 (2012)

“Does Nozick Have a Theory of Property Rights?” In *The Cambridge Companion to Nozick's Anarchy, State, and Utopia*, Ralf A. Bader and John Meadowcroft, eds. (Cambridge University Press, 2011).

“Punting our Future: College Athletics and Admissions,” *Change Magazine* (May/June 2007).

“What’s Morality Got to Do with It?”: Responding to Shiffrin, “The Divergence of Contract and Promise,” 120 *Harv. L. Rev. F.* (2007)

“Is as Ought: The Case of Contracts,” 92 *Virginia Law Rev.* 1010 (2006)

“Begging the Question with Style: Anarchy, State and Utopia at Thirty Years,” *Social Philosophy and Policy* 22:1 (Winter 2005), reprinted in *Natural Rights Liberalism from Locke to Nozick* (E. F. Paul, F. Miller, J. Paul, eds. (Cambridge University Press, 2005).

“Left-Libertarianism, Once More: A Rejoinder to Vallentyne, Steiner and Otsuka,” *Philosophy & Public Affairs* 33:2, 216-222 (Spring 2005).

“Moral Heuristics and the Ends/Means Distinction: A Reply to Sunstein,” *Brain and Behavioral Sciences* (spring 2005).

“Left-Libertarianism: A Review Essay,” *Philosophy and Public Affairs* 32:1, 66-92 (winter 2004).

“Ex Ante/Ex Post,” *Journal of Law and Contemporary Issues* 13:1, 123-160 (2003).

"Proportionate Taxation as a Fair Division of the Social Surplus: The Strange Career of an Idea," *Economics and Philosophy* 19:2, 211-239 (2003).

"'If You Don't Like It, Leave It': The Construction of Exit Options in Social Contractarian Arguments," *Philosophy and Public Affairs* 31:1, 40-70 (Winter 2003).

"Why Proportionate Taxation?," in *Tax Justice Reconsidered: The Moral and Ethical Bases of Taxation* (ed. Joseph J. Thorndike and Dennis J. Ventry, Jr. (Urban Institute Press, 2002).

"Robert Hale," *Routledge Encyclopedia of Philosophy* (2001).

"As Compared to What? Taxing Brute Luck and Other Second-Best Problems," *53 Tax Law Review* 377 (1999).

"The Puzzling Case for Proportionate Taxation," *2 Chapman Law Review* 157 (1999).

"Who Gets Utility From Bequests? The Distributive and Welfare Implications for a Consumption Tax," *51 Stanford L. Rev.* 641 (1999).

"Winners and Losers in the Shift to a Consumption Tax," *86 Georgetown Law Journal* 539 (January 1998) (with Joseph Bankman).

"Why Not a Flat Tax?," *Boston Review* (Summer 1996) (with Joseph Bankman).

"Wilt Chamberlain Revisited: Nozick's 'Justice in Transfer' and the Problem of Market-Based Distribution," *Philosophy and Public Affairs* 24:3 (Summer 1995).

"Fairness and the Consumption Tax," *44 Stanford Law Review* 961 (May, 1992), reprinted in *Tax Law, Vol. II: International Essays in Law and Legal Theory* (Dartmouth Publishing, 1996).

*Domestic Partner Benefits: A Case Study* (monograph published by College and University Personnel Association, 1993).

WORKING  
PAPERS  
(legal)

“Reclaiming the Game: A Review Essay”  
“The Consequences Matter-- But to What?”  
“Facing Up to Risk”

PUBLICATIONS  
(nonlegal)

Academic writing

*The Spider in the Cup: Yoknapatawpha County's Fall Into the Unknowable* (Harvard University Press, 1978).

*Biological Woman* (Schenkman Publishing/G.K. Hall, 1982), editor and contributing author (a collection of essays on biology and women's issues).

Fiction

Website: [www.bhfried.com](http://www.bhfried.com)

Selected stories:

“A Song of Longing” and “Elegy for Daniel,” *Guernica* (April 2012)

“The Half-Life of Nat Glickstein,” *Subtropics* (Winter/Spring 2013)

“It Goes Without Saying,” *Bellevue Literary Review* (Spring 2013)  
(finalist in the 2013 BLR Fiction Contest)

“Really,” *Word Riot* (September, 2013)

“What Makes That a Joke?” *Communion* (Spring 2014)

ACADEMIC  
PRESENTATIONS

Commentary on Anne Phillips, American Philosophical Association meeting (April 19, 2014)

Faculty Seminar, American Studies, Princeton University (March 28, 2014)

Legal Theory Workshop, University of Toronto Law School (March 20, 2014)

Harvard Law School, Law and Philosophy Seminar (March 2013).

Conference on Empirical Legal Studies, commentator (November 2012)

Cornell Law School Faculty Workshop (March 2012)

Conference Participant, Contract As Promise At Thirty: The Future of Contract Law (Suffolk University March 2011).

Queens University, Kingston, Ontario, Philosophy Department.  
Lecture on “What *Does* Matter? The Case for Killing the Trolley Problem”(October 2010)

Queens University, Kingston Ontario, Law School. Lecture on “Facing Risk” (October 2010)

Global Justice Workshop, Stanford University (January 2010)

Kings College, University of London, Conference on Nozick’s Anarchy, State and Utopia (January 2010).

University of Pennsylvania Law School. Faculty Workshop (March 2009)

Georgetown Law Center, Law and Philosophy Workshop (December 2008)

Stanford University, Commentator on Amartya Sen (Lecture), “Impartiality: Contracts v. Voice” (April 2008)

University College, London, Priority in Practice (March 2008)

Boalt Law School, GALA presentation (March 2008)

Safra Lecture, Harvard University, Kennedy School of Government (December 2007)

Universidad Torcuato Di Tella, Buenos Aires, Symposium on Morality and the Law (June 2007)

University College, London, Conference on Political Philosophy and Taxation (February 2007)

Tobias Simon Distinguished Lecturer, Florida State Law School (April 2006)

University of Michigan Faculty Workshop (March 2006)

University of Virginia, Symposium on Political Theory and Private Law (February 2006)

University of Pennsylvania Faculty Workshop (February 2006)

University of San Diego Faculty Workshop (January 2006)

University of Chicago, Law and Philosophy Workshop (May 2004)

Philosophy Talk (KALW Radio) (April 2004)

UCLA Law and Philosophy Workshop (January 2004)

Berkeley GALA (December 2003)

Conference on Natural Rights Liberalism: From Locke to Nozick (Bowling Green, Sept. 2003)

Symposium on Human Rights and Welfare Economics, Harvard University (March 2003)

University of San Diego, Institute on Law and Philosophy, Conference on Legal Transitions (October 2002)

NYU Law School Faculty Workshop (November 2002)

Michigan Law School Faculty Workshop (November 2002)

Boston University Law School Faculty Workshop (March 2002)

Columbia Legal Theory Workshop (December 2001)

Harvard Legal Theory Workshop (October 2001)

NYU Colloquium in Law, Philosophy and Political Theory (October 2001)

Commentator, Stanford-Yale Junior Faculty Forum (June 2001)

Panelist, Yale Law School Tercentennial Conference (April 2001)

Commentator, Wesson Lectures by Amartya Sen (on Democracy and Social Justice) (Stanford, January 2001)

Conference on First Principles in Collective Decision-Making,  
SUNY-Buffalo Baldy Center (August 2000)

American Law and Economics Association, Annual Meeting, May  
2000 (chair of tax panel)

Vanderbilt Law School Faculty Workshop (February 2000)

NYU Law School Faculty Workshop (November 1999)

University of Virginia Faculty Workshop (October 1999)

Quinnipiac College School of Law, Conference on Law and  
Philosophy (October 1999)

Harvard Law School Tax Policy Conference (August  
1999)(commentator)

Yale Legal History Workshop (April 1999)

Columbia Law School, Faculty Workshop (March 1999)

Federalist Society Conference (March 1999)(panelist)

NYU Tax Policy Colloquium (January 1999)

Chapman Law School, Tax Policy Conference (November1998)

ABA Tax Section (Washington DC)(October 1998)

NYU Tax Law Review Symposium on Wealth Taxation (October  
1998) (commentator)

SUNY-Buffalo Tax Conference (fall 1997)

Miami Law School, faculty workshop (spring 1997)

Yale Law School, Legal Theory Workshop (spring 1995)

U.C. Davis, Program in Ethics and Philosophy (spring 1995)

UCLA/Lake Arrowhead Tax Conference (May,  
1994)(commentator)

SUNY-Buffalo Law School, Legal Theory Workshop (October,  
1993)

Columbia Law School, Legal Theory Workshop (March 1993)  
ABA Section of Taxation, February 1993 meeting (commentator)  
Harvard Law School Tax Policy Conference (summer 1992)  
Speaker, Faculty Panel on Legal Biography, Stanford Centennial  
(fall, 1992)  
USC Faculty Workshop (fall 1991)

OTHER

Member, Advisory Board, Stanford University (2006-2008);  
Chair (2008-09)  
Review Editor, *Philosophy and Public Affairs* (2004-2011)  
Member, Editorial Board, Stanford University Press (2001-2004).  
Member, Board of Advisors, Ethics Center, Stanford University  
(2003- ).  
Member, University Committee on Faculty and Staff Benefits  
(1991-1994).  
Chair, Subcommittee on Domestic Partners' Benefits, University  
Committee on Faculty and Staff Benefits (1991-1992).