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BRUCE CHAPMAN

PERSONAL

Present Addresses Faculty of Law
 University of Toronto
 78 Queen's Park
 Toronto, CANADA
 M5S 2C5

Telephone (416) 978-6911 (office)
Fax: (416) 978-7899
Email: bruce.chapman@utoronto.ca

Citizenship Canadian

Orcid ID 0000-0002-7882-8081

UNIVERSITY EDUCATION

B.A. (Honours) 1973 in Economics, Carleton University, Ottawa, Canada

Ph.D. (1979) Cambridge University, Cambridge, England

Title of Dissertation: "The Logic of Environmental Choice." This dissertation applies the methods of the economic theory of social choice to a study of decision-making about the quality of the natural environment. The principal theoretical results are economic interpretations of the debate on the legal enforcement of morality and of the fundamental distinction between deontological and consequentialist ethics. It is suggested that social choice theory, by virtue of its collective rationality conditions, is committed to consequentialist theories only.

LL.B. (1987) Faculty of Law, University of Toronto, Toronto, Canada

RELEVANT PROFESSIONAL EXPERIENCE

(a) Academic

Professor Emeritus, Faculty of Law, University of Toronto, 2022

Full Professor, Faculty of Law, University of Toronto, 1998- 2022

Associate Dean, Faculty of Law, University of Toronto, 2009-12

Faculty Associate, Centre for Ethics, University of Toronto, 2006 –

Neil MacCormick Visiting Fellow, Faculty of Law, University of Edinburgh, March – June 2019

Oliver Smithies Lecturer and Visiting Fellow, Balliol College, Oxford, October 2018 - March 2019

Senior Research Fellowship, Institute for Advanced Studies, Durham University, 2018-2019,
(declined)

Visiting Fellow, All Souls College, Oxford, January-June 2013

Fowler Hamilton Senior Visiting Fellow, Christ Church, Oxford University, January - March 2008

Research Associate, Institute for Policy Analysis, University of Toronto, 1997-2007

Distinguished Visiting Professor, Institute for Law and Rationality, School of Law, University of Minnesota, November 2007

Distinguished Visiting Professor and Lecturer, Faculty of Law, National University of Singapore, August 2007

Hoover Fellow, Chaire Hoover d’Ethique Economique et Sociale, Catholic University of Louvain-la-Neuve, Belgium, June 2001

Visiting Professor and Lecturer, School of Law, Universidad Torcuato Di Tella, Buenos Aires, Argentina, November 2000 and October 2001

Visiting Fellow, Research School of Social Sciences, Australian National University, Canberra, Australia, June-July 1996

Visiting Scholar and Fellow, Centre for Socio-Legal Studies, Wolfson College, Oxford, Trinity term 1995

John M. Olin Visiting Professor in Law and Economics, University of Virginia, Spring Term 1995

Associate Professor, Faculty of Law, University of Toronto, 1992-1998

John M. Olin Visiting Faculty Fellow, Yale Law School, 1991-92

Assistant Professor, Faculty of Law, University of Toronto, 1987-1992

Assistant Professor, Department of Philosophy, University of Western Ontario, 1983-84.

Special Lecturer, Faculty of Law, University of Toronto, 1982-84.

Adjunct Assistant Professor, Faculty of Law, University of Western Ontario, 1980-84.

Associate for Law and Philosophy, Westminster Institute for Ethics and Human Values, Westminster College, London, Canada, 1980-1983.

Post-Doctoral Fellow, Center for Study of Public Choice, Virginia Polytechnic Institute and State University, Blacksburg, Virginia, 1979-80.

Research Fellow in Law and Economics, Faculty of Law, University of Toronto, 1978-79.

(b) Other Professional Activities

Member, Editorial Board, *IVR Encyclopedia of Jurisprudence, Legal Theory, and Philosophy of Law*, 2004-

Member and Chair, Social Sciences Review Panel for Connaught Fellowships, University of Toronto, 1997-2000.

Editor, *University of Toronto Law Journal* 1995-2000

Consulting Editor, *Canadian Journal of Law and Jurisprudence* 1992- present

Member of the Editorial Board, *University of Toronto Law Journal* 1995- present;

Member, International Economics and Philosophy Society, 1995-

Member, Council for School of Graduate Studies, University of Toronto, 1993-94

Member, Canadian Law and Economics Association, 1991- 2007

Treasurer, Canadian Law and Economics Association, 1991-2004

Member, American Law and Economics Association, 1991-2001

Associate Member, Centre for Bioethics, University of Toronto, 1991-93

Continuing Member, Faculty of the School of Graduate Studies, University of Toronto, 1989-

Member, University of Toronto Review Panel on Use of Human Subjects in Research -- 1987-1997

Member, Institute of Child Study Committee, University of Toronto, 1988-89

Member, Department of Psychiatry Human Research Review Committee, University of Toronto, 1988-89

Editor, *University of Toronto Faculty of Law Review* 1986-87

Referee :

Law Reviews:

McGill Law Journal; Oxford Journal of Legal Studies; New Zealand Law Review; Queen's Law Journal; University of British Columbia Law Review; University of Toronto Law Journal; University of Western Ontario Law Review.

Interdisciplinary Law Journals:

Canadian Journal of Law and Jurisprudence; International Journal of Evidence and Proof; International Review of Law and Economics; Journal of Law and Economics; Journal of Legal Studies; Journal of Law and Equality; Journal of Law and Ethics of Human Rights; Journal of Law and Philosophy; Journal of Law, Economics and Organization; Jurisprudence; Legal Theory; Supreme Court Economic Review

Non-Law Journals:

American Political Science Review; Economics and Philosophy; Erkenntnis; Ethics; Journal of Applied Philosophy; Journal of Social Philosophy; Journal of Politics; Philosophy and Technology; Politics, Philosophy and Economics.

University Presses (for book manuscripts):

Cambridge University Press; Oxford University Press; Princeton University Press; University of Chicago Press; University of Toronto Press

Director and Principal Organizer, Seminar in Legal Philosophy for Law Professors, London, Canada, 1982-84.

Principal Organizer (with Michael D. Bayles): Values in Tort Law project, Westminster Institute, 1981. Papers published in *Law and Philosophy* 1982-83 and in a volume (edited by Bayles and Chapman) by Reidel.

Principal Organizer (with Michael D. Bayles): Jurisprudence of Contract and Labour Law project, Westminster Institute, 1981-84. Papers published by *Valparaiso University Law Review* 1983-84.

Continuing Education Instructor for the Elderhostel, "Values in the Law", five lectures, July, 1982; and for Senior Alumni, University of Western Ontario, "Values in the Law", six lectures, October-November, 1982.

ACADEMIC HONOURS

(a) Graduate School

Sir Arthur Sims Scholarship, The Royal Society of Canada, 1974-77.
Sir Harold Samuel Studentship, Cambridge University, 1974-77.

(b) Law School

Doctoral Fellowship (for the purposes of graduate study in law), Social Science and Humanities Research Council of Canada (offered) 1979-80, declined.

Master of Studies in Law, Yale Law School, admission offered 1980-81, declined.

Summer Research Fellowship in Law and Political Economy, The Center for Libertarian Studies and the Liberty Fund. Held Summer 1980.

Langford Rowell Prize (for standing first in first year law, 1984-85), plus seven other law school prizes won between 1984 and 1987.

University of Toronto Faculty of Law Honours List (A standing), 1984-85, 1985-86, 1986-87.

Claude R. Lambe Fellowship, The Institute for Humane Studies. Held 1984-85 and 1985-86 (separate competitions).

GRANTS SECURED

2011-17 Social Science and Humanities Research Council (SSHRC) Standard Research Grant, Ottawa (for research into "Pluralism, Proportionality and Process")

2005-09 SSHRC Standard Research Grant, Ottawa (for research into "Reasonable Interactions and Collective Responsibilities").

2001 Connaught Social Science Research Fellowship, University of Toronto.

2001 Hoover Fellowship in Economics and Social Ethics, Chaire Hoover d'Ethique

- Economique et Sociale, Catholic University of Louvain-la-Neuve, Belgium.
- 2000-04 SSHRC Standard Research Grant, Ottawa (for research into “Public Reason and Collective Action: Lessons from the Law”; extended in a new competition in 2004 until 2006).
- 1998 SSHRC General Research Grant (Travel), Faculty of Law, University of Toronto.
- 1998 Wright Foundation Fellowship, Faculty of Law, University of Toronto.
- 1996-98 Connaught Transformative Research Grant, University of Toronto.
- 1996-97 Connaught Social Science Research Fellowship, University of Toronto (declined).
- 1993-95 SSHRC Standard Research Grant (for research on Social Choice Theory and the Law).
- 1993 Humanities and Social Sciences Committee General Research Grant, University of Toronto (for research on tort theory and the utility of money).
- 1991-92 John M. Olin Visiting Faculty Fellowship in Law and Economics, Yale Law School.
- 1991 Humanities and Social Sciences Committee Travel Grant, University of Toronto.
- 1991 Ministry of Consumer and Corporate Affairs, Province of Alberta, Research Stipend (for research on options in automobile accident compensation).
- 1990 Ontario Law Reform Commission Research Stipend and Grant (for research on the concept of charity and charitable institutions).
- 1990 Humanities and Social Sciences Committee General Research Grant, University of Toronto (for research on charities).
- 1989 Ontario Law Reform Commission Research Stipend (for research on punitive damages).
- 1988-89 Connaught Start Up Grant, University of Toronto.
- 1988 Joint Federal\Provincial\Territorial Review on Liability Issues in Health Care Research Stipend (for research on hospital liability).
- 1988 Humanities and Social Sciences Committee General Research Grant, University of Toronto (for research on hospital liability).

- 1982-84 Academic Development Fund of University of Western Ontario (\$25,000) and from Richard Ivey Foundation (\$30,000) (for Seminars in Legal Philosophy for Law Professors).
- 1981-84 For Jurisprudence of Contract and Labour Law project from Donner Foundation of Canada and Academic Development Fund of University of Western Ontario.

RESEARCH AND TEACHING INTERESTS

Tort law, corporate law, legal theory, economic analysis of law, rational choice and decision theory, moral philosophy, applied ethics, welfare economics, the theory of social choice, game theory.

COURSES TAUGHT

Torts: Faculty of Law, University of Toronto, 1987-present

Rational Social Choice and the Law: School of Law, University of Torcuato Di Tella, Buenos Aires, Argentina (2000 and 2001); Faculty of Law, National University of Singapore, August 2007; Faculty of Law, University of Toronto, 2008

Fault and Responsibility: Faculty of Law, University of Toronto, 2000 – 2007

Alternative Approaches to Legal Scholarship: Faculty of Law, University of Toronto, 1987- 1990, 1996, 1998

Environmental Law, Ethics and Public Policy: Faculty of Law, University of Toronto, 1992-95, 1997

Business Organizations I (Corporate Law): Faculty of Law, University of Toronto, 1987-1996

Theories of Tort Law: School of Law, University of Virginia, 1995

Economic Analysis of Law: Faculty of Law, University of Toronto, 1989-1990

Business Organizations II (Securities Regulation and Corporate Finance): Faculty of Law, University of Toronto, 1988-89, 1989-90

Business Ethics: Department of Philosophy, University of Western Ontario, 1983-84.

Ethics: Department of Philosophy, University of Western Ontario, 1983-84.

Philosophy of Law: Department of Philosophy, University of Western Ontario, 1983-84.

Law, Ethics and Social Policy: Faculty of Law, University of Toronto, Spring 1983 and Spring 1984.

Jurisprudence: Faculty of Law, University of Western Ontario, 1980 - 1983.

PRESENTATIONS

“Interpersonal Accountability and Impersonal Maximization: Two Structurally Incompatible Perspectives on the Theory of Private Law”, presented as the Neil MacCormick Annual Lecture at the University of Edinburgh School of Law (May 2, 2019); and as the keynote lecture at the 10th Annual MetaLawEcon Workshop on “Economics and Philosophy in Private Law Theory” Hamburg, Germany July 5, 2019

“Moral Consensus, Rights, and Economic Efficiency in the Economic Analysis of Law”, presented as the first of two Oliver Smithies Lectures on “Normativity and Rationality in the Economic Analysis of Law” at Balliol College, Oxford, November 2018

“Private Rationality and Public Reasonableness” (revised), Fourth International Conference on Economics and Philosophy (“Norms and Normativity”), École Normale Supérieure (ENS) de Lyon, University of Lyon, June 2018; also presented as the second of two Oliver Smithies Lectures on “Normativity and Rationality in the Economic Analysis of Law” at Balliol College, Oxford, November 2018

“Social Consensus and the Value of Efficiency in Economic Analysis of Law”, Conference on the ‘Philosophical Foundations of Economic Analysis of Law’, Institute for Advanced Studies at the University of Toulouse (IAST), Toulouse, June 2018

“Human and Artificially Intelligent Agents: Their Fair Terms of Interaction”, Workshop on Responsible Intelligent Systems in Perspective (by invitation), University of Utrecht, Netherlands, April 2016; Faculty Workshop, Faculty of Law, University of Toronto, November 2016

“Counting the Numbers Fairly: The *Maximal* Proportional Satisfaction of Incommensurable Values”, Faculty Workshop, Faculty of Law, University of Toronto, September 2013; *and* at the Conference on Formal Ethics at the Erasmus Institute for Philosophy and Economics in Rotterdam, May 2014; *and* at the Annual Meeting of the Society for Social Choice and Welfare, Boston College, June 2014; *and* at the Thirteenth Conference for the International Society of Utilitarian Studies, Yokohama National University, August 2014

“Making an Issue of It: Rational Social Choice and Deliberative Exchange”, Conference on the Strategic Use of Language, Department of Political Science, University of British Columbia, June 2013; *and* at the Workshop on Social Choice and the Law, Institute for Mathematical Behavioral Sciences, University of California at Irvine, March 2014; *and* at the Conference on Economic Philosophy, University of Strasbourg, October 2014; *and* at the Fourteenth Conference for the International Society of Utilitarian Studies, Lille Catholic University, Lille, France, July 2016

“Incommensurability, Proportionality, and Defeasibility”, Department of Law Working Group in Legal and Political Theory, European University Institute, Florence (Fiesole), Italy, November 2012; *and* the Department of Law, University of Freiburg, Germany, April 2013; *and* The Centre for Reasoning, Department of Philosophy, University of Kent, Canterbury, UK, May 2013

“Counting the Numbers Fairly: The *Equal* Proportional Satisfaction of Incommensurable Values”, Conference for the International Society of Utilitarian Studies (ISUS), Stern Business School, New York University, New York, August 2012; *and* the Centre for Ethics, University of Toronto, October 2012 ; *and* the Paris Seminar on Economics and Philosophy, Fondation Maison des Sciences de l’Homme, Paris February 2013; *and* the Visiting Fellows Seminar, All Souls College, Oxford, February 2013

“Defeasible Rules, Interpersonal Accountability, and the Second-Personal Point of View”, Workshop on Perspectival Legal Discourse, Faculty of Law, Cambridge University, July 2012

“Equal Proportional Value Satisfaction as a Taurek-friendly Aggregation Tool”, Workshop on Interpersonal Aggregation, Department of Philosophy, McGill University, Montreal, October 2011

“Defeasible Rules and Equal Proportional Comparisons”, XXV World Congress of Philosophy of Law and Social Philosophy, Frankfurt, August 2011; *and* the Third International Conference on Quantitative Justice and Fairness, Faculty of Law, University of Lisbon, Lisbon, Portugal, May 2012; *and* the European Network for the Philosophy of Social Sciences (ENPOSS), Annual Conference, University of Copenhagen, September 2012

Invited participant to the Summer Economics and Philosophy Workshop on “Experimental Economics, Experimental Philosophy”, sponsored by the Urrutia Elejalde Foundation, San Sebastian, Spain July 2011

“Pluralism, Proportionality and Process”, Thirteenth Annual Philosophy of Social Science Roundtable, École Normale Supérieure, Paris, March 2011; *and* Faculty of Law, University of Toronto, October 2011

“Public Choice and Social Choice: Normative Comparisons”, a comment presented at the European Public Choice Society Annual Meetings, Izmir, Turkey, April 2010.

Invited participant to the Summer Economics and Philosophy Workshop on Judgement Aggregation, sponsored by the Urrutia Elejalde Foundation and MOVE (the Centre for Markets, Organizations and Votes in Economics), Universitat Autònoma de Barcelona, Barcelona, Spain, December 2009.

“Weinrib’s Three Worlds”, paper presented in honour of Ernest Weinrib on the occasion of his being awarded the 2009 Killam Prize, Faculty of Law, University of Toronto, October 2009.

“Preference, Pluralism, and Proportionality”, Symposium in Honour of Michael Trebilcock, Faculty of Law, University of Toronto, September, 2009.

“Defeasible Rules and Interpersonal Accountability”, Faculty of Law, University of Toronto, February 2009;

“Defeasible Rules and Rational Choice”, Conference on Defeasibility and the Law, Oxford University, March 2008.

Commentator on “Discontinuity and Social Choice: Chichilnisky’s Theorem”, Conference on “Sharp Boundaries and the Law”, School of Law, University of Pennsylvania, May 2007.

“Preference, Proportionality, and Comparability: A Comment on Baber’s Use of the Zero-One Rule”, American Philosophical Association (Pacific) Annual Meetings, San Francisco, April 2007.

“Allocating the Risk of Subjectivity: Intention, Consent, and Insurance”, Conference in Honour of Justice Frank Iacobucci, Faculty of Law, University of Toronto, October 2006.

“Rational Association and Corporate Responsibility”, Institute for Economic Affairs Conference on “Corporate Social Responsibility and Corporate Governance”, Department of Economics, University of Trento, Italy, July 2006; *and* Faculty Workshop, Faculty of Law, University of Toronto, February 2007; *and* Faculty Workshop, School of Law, University of Minnesota, November 2007.

“Leading you Down the Choice Path: Towards an Economics of Rational Persuasion”, Workshop on “Economics and Language”, The Urrutia Elejalde Foundation for Economics and Philosophy, Department of Economics, Universidad Nacional de Educacion a Distancia, Madrid, June 2006; *and* Siena-Toronto-Tel Aviv Workshop in Law and Economics, Department of Economics, University of Siena, June, 2007; *and* Faculty Workshop, Faculty of Law, University of Toronto, November 2007; *and* Jurisprudence Symposium, Oxford University, February 2008; *and* at “Symposium on Emerging Paradigms of Rationality”, Centre for the Study of Rationality, University of Minnesota Law School, November 2008; *and* at the European Public Choice Society Annual Meetings, Izmir, Turkey, April 2010.

“Legal Analysis of Economics: Solving the Problem of Rational Commitment”, Department of Economics, University of Athens, November 2004; *and* School of Public Policy, Carleton University, Ottawa, January 2005.

“Private Rationality and Public Reasonableness”, Annual Meeting of the European Association of Evolutionary Political Economy, Department of Economics, University of Crete, October 2004; *and* XXII World Congress of Philosophy of Law and Social Philosophy, Granada, Spain, May 2005; *and* the Annual Meeting of the International Society for New Institutional Economics, Barcelona, Spain, September 2005.

“Incentive Schemes and Non-Observable Efforts by Agents”, a comment on “Environmental Liability and Organizational Structure” by Laurent Franckx and Frans P. deVries, at the Annual Meeting of the European Public Choice Society, Berlin, April 2004.

“Economic Analysis of Law and the Value of Efficiency”, Law and Economics Workshop, Faculty of Law, University of Toronto, March 2004; *and* at the Department of Economics, University of Siena, Italy, May 2004.

“Common Knowledge, Communication, and Public Reason”, Symposium on “Law &...”, Chicago Kent College of Law, Chicago, October 2003; *and* at the Annual Meeting of the European Public Choice Society, Berlin, April 2004.

“The Rational Actor in Law: Solving the Problem of Credible Commitment”, Workshop on Law and Economics, 21st World Congress of the IVR, Lund, Sweden, August 2003; *and* at the Annual Meeting of the Canadian Law and Economics Association, Toronto, September 2003; *and* at the Department of Economics, University of Trento, Italy, May 2004.

“Functions of Fairness: Comments on Kaplow and Shavell”, Symposium on Louis Kaplow and Steve Shavell, *Fairness versus Welfare* (2001), Department of Philosophy, University of Toronto, April 2003.

“Rational Commitment and Legal Reason”, Conference on Paradoxes and Self-Reference in the Law, University of Frankfurt, December 2002.

“The Preliminary Reference Procedure and Sophisticated Choice”, a comment on “National Courts and the European Court of Justice: A Public Choice Analysis of the Preliminary Reference Procedure” by George Tridimas, at the Annual Meeting of the European Public Choice Society, Belgirate (Lago Maggiore), Italy, April 2002.

“Rational Choice and Categorical Reason”, Symposium on Preferences and Rational Choice: New Perspectives and Legal Implications”, School of Law, University of Pennsylvania, March 2002.

“Public Reason, Social Choice, and Co-operation”, Eighth Conference on Theoretical Aspects of Rationality and Knowledge (TARK VIII), Siena, Italy, July 2001; *and* at the Canadian Law and Economics Association Annual Meetings, Toronto, September 2001.

“Convergence in Corporate Governance and the Law: Necessary and Sufficient Conditions”, a comment on Brian Cheffins “Law Matters”, Workshop on “The Regulation of Markets and Public Corporations”, School of Law, University of Tilburg, Netherlands, June 2001.

“Rational Aggregation”, Oxford-Toronto Jurisprudence Symposium, Department of Law, Oxford University, February 2001; *and* at the Social and Political Philosophy Seminar, Chaire Hoover d’Ethique Economique et Sociale, Universite Catholique de Louvain, Louvain-la-Neuve, Belgium, June 2001; *and* at the Faculty Seminar, School of Law, Universidad Torcuato Di Tella, Buenos Aires, Argentina, October 2001; *and* at the Annual Meeting of the European Public Choice Society, Belgirate (Lago Maggiore), Italy, April 2002.

“Law Games: Defeasible Rules and Revisable Rationality”, Faculty Seminar, School of Law, Universidad Torcuato Di Tella, Buenos Aires, Argentina, November 2000.

“Categorical Choice and Collective Rationality”, Annual Meeting of the European Public Choice Society, Siena, Italy, April 2000.

“Shared Understandings and Categorical Norms in the Theory of Games”, a comment on Ken Binmore, George Washington University, Washington, D.C., October 1999.

“Rational Voluntarism and the Charitable Sector”, conference on Charities: Between State and the Market, Faculty of Law, University of Toronto, January 1999.

“Theoretical Perspectives on Punitive Damages”, Annual Meeting of the Canadian Association of Law Teachers, Congress of the Social Sciences and Humanities, Ottawa, June 1998.

“Law, Incommensurability, and Conceptually Sequenced Argument”, Rationality and Society Workshop, School of Law (Boalt Hall), University of California at Berkeley, January 1998; *and* at Symposium on Incommensurability and the Law, University of Pennsylvania Law School, February 1998; *and* at Law and Economics Colloquium, New York University Law School, March 1998.

“Pluralism in Tort and Accident Law: Towards a Reasonable Accommodation”, Tort Theory Workshop, University of North Carolina, September 1997; *and* at Legal Theory Workshop, Faculty of Law, McGill University, October 1997; *and* at Law and Economics Workshop, School of Law, Georgetown University, Washington, D.C., November 1998.

"Rationally Transparent Social Interactions", International Symposium on "Cognition, Rationality, and Institutions", Max-Planck-Institute for Research into Economic Systems, Jena, Germany, March 1997.

"Corporate Liability and the Problem of Overcompliance", Association of American Law Schools, Annual Meeting, San Antonio, Texas, January 1996.

"More Easily Done Than Said: Rules, Reasons, and Rational Choice", Legal Studies Workshop, School of Law, University of Virginia, April 1995; *and* at Socio-Legal Studies Seminar, Centre for Socio-Legal Studies, Wolfson College, Oxford University, June 1995; *and* at International Economics and Philosophy Society, Annual Meeting, Brisbane, Australia, July 1996.

"Markets, Politics, and the Organization of Charities", Conference on Corporate Decision-making in Canada, Industry Canada, Toronto, March 1995.

"Corporate Stakeholders, Committees, and Procedures", C.D. Howe Institute, Toronto, 1994.

"Community, Contingency and Rational Choice", Faculty Lunch-time Workshop, Faculty of Law, University of Windsor, February, 1993.

"Economic Analyses of Economic Loss", Canadian Bar Association Meeting on "Recovering Damages in Commercial Tort Litigation", Toronto, November, 1992.

"Rational Choice and Legal Reasoning", Annual Meeting of the American Law and Economics Association, Yale Law School, May 1992.

"Trust, Economic Rationality, and the Corporate Fiduciary Obligation", Conference on Corporate Stakeholders, Faculty of Law, University of Toronto, April 1992.

"Tort Law Reasoning and the Achievement of Good", Conference on Tort Theory, Banff Alberta, March 1992.

"Limited Auditors' Liability: Economic Analysis and the Theory of Tort Law," Seminar on Economic Negligence, Faculty of Law, University of Toronto, April 1991.

"Law, Economics and the Concept of Rationality in Environmental Policy", European Association of Law and Economics, Conference on "Law and Economics of Environmental Policy", Paris, April 1991.

Comment on two papers on "The Ethical and Legal Implications of the Allocation of Scarce Medical Resources", Canadian Institute for the Administration of Justice, Conference on "Health Care, Ethics and the Law", Toronto, October 1990.

Comment on "On Private Prisons" (by Ken Avio), presented at Canadian Law and Economics Association, Learned Societies Meetings, Victoria B.C., June 1990.

Comment on "Punitive Damages in Contract and Tort" (by Bruce Feldthusen), Nineteenth Annual Workshop on Commercial and Consumer Law, October 1989.

"Controlling the Costs of Medical Malpractice: An Argument for Strict Hospital Liability", Canadian Law and Economics Association Annual Meeting, Toronto, September 1989.

"Economics, Ethics and the Allocation of Health Care to the Elderly", Baycrest Centre for Geriatric Care, May 1989.

"Punitive Damages: Divergence in Search of a Rationale", University of Alabama Law School, Conference on Punitive Damages, April 1989; *and* University of Western Ontario, April 1989.

"The Equal Protection of Agency: A Comment on Two Papers on Strict Liability", American Philosophical Association Meetings, Chicago, April 1989.

"Feminism, Pornography and Censorship," Alumni Lecture, University of Western Ontario, London, 1983.

"Corrective Justice Is Not Distributive Justice," Association of American Law Schools, Annual Meetings, Cincinnati, Ohio, 1983.

"Efficiency, Liberty and Equality: Three Ethical Justifications for Regulatory Reform," Liberty Fund Conference on Regulatory Reform, Faculty of Law, University of Toronto; *and* at Department of Public Policy, University of Manitoba, Winnipeg, 1983.

"Ethical Issues in Business," Executive Forum, Toronto Board of Trade, Toronto, 1981.

"Individual Rights and Collective Rationality: Some Implications for Economic Analysis of Law," University of Chicago, Chicago, Illinois, 1980.

"Morality, Law and Social Stability," Fourteenth Conference on Value Inquiry, Geneseo, N.Y., 1980.

"Coase, Cost, and Causation," Workshop in Law and Economics, Faculty of Law, University of Toronto, 1979; *and* at Workshop in Law and Economics, University of Western Ontario, London, 1980.

"Individual Rights, Good Consequences and the Theory of Social Choice," Annual Meetings, Public Choice Society, Charleston, South Carolina, 1979.

"Rights, Processes and the theory of Social Choice," Workshop in Law and Economics, Faculty of Law, University of Toronto, 1978; *and* at Centre for Study of Public Choice, Virginia Polytechnic Institute and State University, Blacksburg, Virginia, 1980.

"Law, Morality and the Logic of Choice: An Economist's View," Seminar in Law and Economics, York University, England, 1977.

PUBLICATIONS

(a) Books

Between State and Market: Essays on Charities Law and Public Policy in Canada (co-editor with J. Phillips and D. Stevens, and contributor) (Toronto: McGill-Queen's University Press 2001).

Justice, Rights and Tort Law (co-editor with M.D. Bayles, and contributor) (Dordrecht: Reidel Publishing Co., 1983).

(b) Articles

"Interpersonal Accountability and Impersonal Maximization: Two Structurally Incompatible Perspectives on the Theory of Private Law", in preparation for submission

"Moral Consensus, Rights, and Efficiency in the Economic Analysis of Law" 40 *Oxford Journal of Legal Studies* (2020) 1-27

- “Counting the Numbers Fairly: The Maximal Proportional Satisfaction of Incommensurable Values” (2015, under revision)
- “Incommensurability, Proportionality, and Defeasibility” 12 *Law, Probability, and Risk* (2013) 259 - 74
- “Defeasible Rules and Interpersonal Accountability” J. Ferrer & G.B. Ratti (eds.) *The Logic of Legal Requirements: Essays in Defeasibility* (Oxford University Press 2012).
- “Ernie’s Three Worlds” 61 *University of Toronto Law Journal* (2011) 179-90.
- “Rational Association and Corporate Responsibility” in Lorenzo Sacconi *et al* eds., *Corporate Social Responsibility and Corporate Governance* (Palgrave MacMillan 2011) 272 - 95.
- “Preference, Pluralism, and Proportionality” 60 *University of Toronto Law Journal* (2010) 177-196.
- “Leading you Down the Choice Path: Persuasion as Collective Rationality” 35 *Queen’s Law Journal* (2009) 327 – 358.
- “Allocating the Risk of Subjectivity: Intention, Consent, and Insurance” 57 *The University of Toronto Law Journal* (2007) 315 – 30.
- “Rational Choice and Reasonable Interactions” 81 *Chicago-Kent Law Review* (2006) 75 - 93.
- “Rational Commitment and Legal Reason”, 42 *San Diego Law Review* (2005) 91-127.
- “Common Knowledge, Communication, and Public Reason”, 79 *Chicago-Kent Law Review* (2004) 1151-1185.
- “Private Rationality and Public Reasonableness: The Rational Interactor in Game Theory and the Law”, 3(2) *American Philosophical Association Newsletter on Philosophy and Law* (Spring 2004) 74- 81.
- “Legal Analysis of Economics: Solving the Problem of Rational Commitment”, 79 *Chicago-Kent Law Review* (2004) 471-95.
- “Rational Choice and Categorical Reason”, 151 *University of Pennsylvania Law Review* (2003) 1169-1210.
- “Aggregating Reasons” 3 *Revista Argentina de Teoria Juridica* (July 2002). (Translated into Spanish as “Agregación de Razones” in the same volume.)
- “Rational Aggregation” 1 *Politics, Philosophy, and Economics* (2002) 337-54.
- “Responsibility and Fault as Legal Concepts” 12 *King’s College Law Journal* (2001) 212-220.

- “Public Reason, Social Choice, and Co-operation”, in Johan van Benthem ed. *Rationality and Knowledge* (Proceedings of the Eighth Annual TARK Conference 2001) (San Francisco: Morgan Kaufman Publishers, 2001) 319-332.
- “Rational Voluntarism and the Charitable Sector”, in J. Phillips, B. Chapman and D. Stevens eds., *Between State and Market: Essays on Charities Law and Policy in Canada* (Montreal: McGill-Queens University Press 2001) 127-165.
- “Pluralism in Tort and Accident Law: Towards a Reasonable Accommodation” in G. Postema ed. *Philosophy and the Law of Torts* (New York: Cambridge University Press, 2001) 276-321. (Translated into Chinese with Peking University Press 2004).
- “Chance, Reason, and the Rule of Law” 50 *University of Toronto Law Journal* (2000) 469-92.
- "Rationally Transparent Social Interactions", in M. Streit, Uwe Mummert, and Daniel Kiwit (eds.), *Cognition, Rationality, and Institutions* (Berlin: Springer 2000) 189-204.
- "Economics", in *The Philosophy of Law: An Encyclopaedia*, Christopher B. Gray (ed.), (New York: Garland Publishing 1999) 244-46.
- “Law Games: Defeasible Rules and Revisable Rationality” 17 *Law and Philosophy* (1998) 443-480.
- “Between Markets and Politics: A Social Choice Theoretic Appreciation of the Charitable Sector”, 6 *George Mason Law Review* 821-67 (1998).
- “Law, Incommensurability, and Conceptually Sequenced Argument”, 146 *University of Pennsylvania Law Review* 1487-1528 (1998).
- "More Easily Done than Said: Rules, Reasons, and Rational Social Choice", 18 *Oxford Journal of Legal Studies* 293 - 329 (1998).
- "Sex Discrimination and the Equal Good of Pensions", in *The New Palgrave Dictionary of Economics and the Law*, P.Newman (ed.) (London: MacMillan Press, 1998) 451-455. (Translated into Dutch as “De Prijs van Pensioen” and republished in *Nemesis* July/August 1999, 101-108).
- "Corporate Tort Liability and the Problem of Overcompliance", 69 *Southern California Law Review* (1996), 1679-1703.
- "Corporate Stakeholders, Choice Procedures, and Committees", 26 *Canadian Business Law Journal* (1996) 211-20.
- "Commentary" (on "The Governance of Non-Profits" by Ronald Hirshhorn), *Corporate Decisionmaking in Canada: Conference Proceedings* (Ottawa: Industry Canada, 1995), 628-634.

"Developments in Tort Law: The 1993-94 Term", 6 (2d) *Supreme Court Law Review* (1995) 487-543.

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