

DAVID LYONS

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Education

Cooper Union School of Engineering (1952-54, 1956-57, no degree)
Brooklyn College, City University of New York, B.A. 1960
Harvard University, M.A. 1963, Ph.D. 1963
Oxford University (post-doctoral study, 1963-64)

Principal Academic Appointments

Cornell University, Sage School of Philosophy:
Assistant Professor, 1964-67; Associate Professor, 1967-71; Professor, 1971-1990;
Department Chairman, 1978-84; Susan Linn Sage Professor, 1990-95; Emeritus, since 1995
Cornell University, Law School: Professor of Law, 1979-95; Emeritus, since 1995
Boston University, School of Law: Professor, since 1995; Law Alumni Scholar, since 2001
Boston University, College of Arts and Sciences: Professor of Philosophy, since 1998

Principal Postdoctoral Awards

Knox Traveling Fellowship, 1963-64
Guggenheim Foundation Fellowship, 1970-71
Society for the Humanities Fellowship, 1972-73
Clark Distinguished Teaching Award, 1976
National Endowment for the Humanities Fellowship, 1977-78
Distinguished Alumnus Award (Brooklyn College), 1980
NEH Constitutional Fellowship, 1984-85
National Endowment for the Humanities Fellowship, 1993-94

Continuing Education

Director, NEH Summer Seminars for Lawyers and Judges, 1977, 1979;
for Law Teachers, 1982
Faculty, Summer Seminar for Faculty, Program on Ethics and Public Life, 1986-88
Faculty, California Continuing Judicial Studies Program, 1983-91

Principal Non-Academic Positions

Machinist, 1954-56

Engineering draftsman and designer, 1956-58

PUBLICATIONS

Books:

Forms and Limits of Utilitarianism (Oxford: Clarendon Press, 1965).

In the Interest of the Governed: A Study in Bentham's Philosophy of Utility and Law (Oxford: Clarendon Press, 1973; Revised Edition, 1991).

Ethics and the Rule of Law (Cambridge: Cambridge University Press, 1984).

Spanish edition: *Ética y Derecho* (Barcelona: Editorial Ariel, 1986).

Portuguese language edition: *As Regras Morais e a Ética* (Sao Paulo: Editora Papyrus, 1990).

Polish edition: *Etyka I Rzqdy Prawa* (Warsaw: ABC, 2000).

Chinese edition, forthcoming.

Moral Aspects of Legal Theory: Essays on Law, Justice, and Political Responsibility (New York: Cambridge University Press, 1993).

Spanish edition: *Aspectos Morales de la Teoria del Derecho: Ensayos sobre la ley, la justicia y la responsabilidad política* (Barcelona: Editorial Gedisa, 1998).

Rights, Welfare, and Mill's Moral Theory (New York: Oxford University Press, 1994).

Confronting Injustice: Moral History and Political Theory (Oxford: Oxford University Press, 2013)

Books edited:

Rights (Belmont, California: Wadsworth Publishing Company, 1979).

Mill's Utilitarianism: Critical Essays (New York: Rowman & Littlefield, 1997).

Articles:

"Baier's Test for Practical Rules Re-Examined," *Philosophical Studies* 14 (1963) 18-22.

"Rights, Claimants, and Beneficiaries," *American Philosophical Quarterly* 6 (1969) 173-85.

"On Sanctioning Excuses," *Journal of Philosophy* 66 (1969) 646-60.

- "The Correlativity of Rights and Duties," *Nôus* 4 (1970) 45-55.
- "The Internal Morality of Law," *Proceedings of the Aristotelian Society* 71 (1970-71) 105-19.
- "Logic and Coercion in Bentham's Theory of Law," *Cornell Law Review* 57 (1972) 335-62.
- "Was Bentham a Utilitarian?", in *Reason and Reality*, ed. G.N.A. Vesey, *Royal Institute of Philosophy Lectures*, Vol. 5, 1970-71 (London: Macmillan, 1972), pp. 196-221.
- "Rawls versus Utilitarianism," *Journal of Philosophy* 69 (1972) 535-45.
- "On Formal Justice," *Cornell Law Review* 58 (1973) 833-61.
- "The Nature of the Contract Argument," *Cornell Law Review* 59 (1974) 1064-76.
- "On Justifying Enforced Requirements: A Reply to Baier," *Journal of Value Inquiry* 9 (1975) 42-7.
- "The Nature and Soundness of the Contract and Coherence Arguments," in *Reading Rawls*, ed. N. Daniels (New York: Basic Books, 1975), pp. 141-67.
- "Ethical Relativism and the Problem of Incoherence," *Ethics* 86 (1976) 107-21.
- "Mill's Theory of Morality," *Nôus* 10 (1976) 101-20.
- "Human Rights and the General Welfare," *Philosophy & Public Affairs* 6 (1977) 113-29.
- "The New Indian Claims and Original Rights to Land," *Social Theory and Practice* 4 (1977) 249-72.
- "Rights, Utility, and Racial Discrimination," in *Philosophical Law*, ed. R. Bronaugh (Westport, Conn.: Greenwood Press, 1978), pp. 74-83.
- "Apology for Rights," *Cornell Review* #3 (Spring 1978) 24-32.
- "Mill's Theory of Justice," in *Values and Morals: Essays in Honor of William Frankena, Charles Stevenson, and Richard Brandt*, ed. A.I. Goldman and J. Kim (Dordrecht: Reidel, 1978), pp. 1-20.
- "Liberty and Harm to Others," in *New Essays on John Stuart Mill and Utilitarianism*, ed. W.E. Cooper, K. Nielsen, and S.C. Patten, *Canadian Journal of Philosophy* Supplementary Volume 5 (1979), pp. 1-19.
- "Utility as a Possible Ground of Rights," *Nôus* 14 (1980) 17-28.

- "Need, Necessity, and Political Obligation," *Virginia Law Review* 67 (1981) 63-77.
- "Legal Formalism and Instrumentalism -- A Pathological Study," *Cornell Law Review* 66 (1981) 949-72.
- "Benevolence and Justice in Mill," in *The Limits of Utilitarianism*, ed. H. Miller and W.H. Williams (Minneapolis: University of Minnesota Press, 1982), pp. 42-70.
- "Moral Aspects of Legal Theory," *Midwest Studies in Philosophy* 7 (1982) 223-54.
- "Utility and Rights," in *Nomos 24: Ethics, Economics, and the Law*, ed. J.R. Pennock and J.W. Chapman (New York: NYU Press, 1982), pp. 107-38.
- "Justification and Judicial Responsibility," *California Law Review* 72 (1984) 301-22.
- "Formal Justice, Moral Commitment, and Judicial Precedent," *Journal of Philosophy* 81 (1984) 580-7.
- "Formal Justice and Judicial Precedent," *Vanderbilt Law Review* 38 (1985) 495-512.
- "Derivability, Defensibility, and the Justification of Judicial Decisions," *The Monist* 68 (1985) 325-46.
- "Utilitarianism," in *The Social Science Encyclopedia*, ed. A. Kuper and J. Kuper (London: Routledge & Kegan Paul, 1985), pp. 877-8.
- "Justification and Easy Cases," *Archiv für Rechts- und Sozialphilosophie*, Supplementary Volume 25 (1985) 162-7.
- "The Normativity of Law," in *Issues in Contemporary Legal Philosophy: The Influence of H.L.A. Hart*, ed. R. Gavison (Oxford: Clarendon Press, 1986), pp. 114-26.
- "Constitutional Interpretation and Original Meaning," *Social Philosophy & Policy* 4 (1986) 75-101.
- "The Connection Between Law and Morality: Comments on Dworkin," *Journal of Legal Education* 36 (1986) 485-7.
- "Substance, Process and Outcome in Constitutional Theory," *Cornell Law Review* 72 (1987) 745-64.
- "A Preface to Constitutional Theory," *Northern Kentucky Law Review* 15 (1988) 459-77.
- "Ambiguity, Incoherence, and Evaluation in Constitutional Theory," *Philosophic Exchange* (1988-89) 5-22.

- "Basic Rights and Constitutional Interpretation," *Social Theory and Practice* 16 (1990) 337-57.
- "Rethinking Original Intent," *Cornell Law Forum* (November 1990).
- "Utilitarianism," in *Encyclopedia of Ethics*, ed. L. Becker (New York: Garland Publishing Company, 1992), Vol. I, pp. 1261-8.
- "Critical Analysis and Constructive Interpretation," in *Moral Aspects of Legal Theory* (New York: Cambridge University Press, 1993), pp. 202-17.
- "Normal Law, Nearly Just Societies, and Other Myths of Legal Theory," in *Archiv für Rechts- und Sozialphilosophie* 55 (1993) 13-26.
- "Rights Revisited," in *Social Philosophy Today*, Number 8: *The Bill of Rights: Bicentennial Reflections*, ed. Yeager Hudson and Creighton Peder (Lewiston, NY: Edwin Mellen Press, 1993), pp. 21-35.
- "The Balance of Injustice and the War for Independence," *Monthly Review* 45 (1994) 17-26, 38-40.
- "Radical Resisters," *Cornell Law Forum* 21 (1994) 3-5.
- "Political Responsibility and Resistance to Civil Government," *Philosophic Exchange* (1995-96) 5-25.
- "Civil Disobedience," in *Philosophy of Education: An Encyclopedia*, ed. J.J. Chambliss (New York: Garland Publishing Company, 1996), pp. 82-4.
- "Utilitarianism," in *Philosophy of Education: An Encyclopedia*, ed. J.J. Chambliss (New York: Garland Publishing Company, 1996), pp. 651-3.
- "Utilitarianism," in *Blackwell Encyclopedic Dictionary of Business Ethics*, ed. R.E. Freeman and P.H. Werhane (Malden, MA: Blackwell Publishers, 1997), pp. 640-4.
- "Moral Judgment, Historical Reality, and Civil Disobedience," *Philosophy & Public Affairs* 27 (1998) 31-49.
- "Original Intent and Legal Interpretation," *Australian Journal of Legal Philosophy* 24 (1999) 1-26.
- "Open Texture and the Possibility of Legal Interpretation," *Law and Philosophy* 18 (1999) 297-309.
- "Hart, H.L.A.," *The Cambridge Dictionary of Philosophy*, Second Edition, ed. Robert Audi (Cambridge: Cambridge University Press, 1999), p. 362.

- "The Moral Opacity of Utilitarianism," in *Morality, Rules, and Consequences: A Critical Reader*, ed. B. Hooker, E. Mason, and D.E. Miller (Edinburgh: Edinburgh University Press, 2000), pp. 105-120.
- "Osąd moralny a teoria prawa," *Ius et Lex* 1 (2002) 63-84.
- "Unfinished Business: Racial [Junctures] in US History and Their Legacy," *Redress for Historical Injustices in the United States; On Reparations for Slavery, Jim Crow, and Their Legacies*, ed. M.T. Martin and M. Yaquinto (Durham: Duke University Press, 2003), pp. 33-54.
- "Reparations and Equal Opportunity," *Boston College Third World Law Journal* 24 (2004) 177-185.
- "Corrective Justice, Equal Opportunity, and the Legacy of Slavery and Jim Crow," *Boston University Law Review* 84 (2004) 1375-1404.
- "Legal and Moral Rights," *IVR Encyclopaedia of Jurisprudence, Legal Theory, and Philosophy of Law*, at <http://www.ivr-enc.info/en/article.php?id=125>.
- "Moral Judgment and Legal Theory," *Ius et Lex* (2005) 63-83.
- "Rights and Recognition," *Social Theory and Practice* 32 (2006) 1-15.
- "From Politics to Philosophy," *Legal Philosophy - Five Questions*, ed. M.E.J. Nielsen (New York: Automatic Press/VIP, 2007), pp. 153-169.
- "The Legal Entrenchment of Illegality," in *The Legacy of H.L.A. Hart*, ed. M. Kramer, et al. (Oxford: Oxford University Press, 2008), pp. 29-43.
- "Moral Limits to Dworkin's Theory of Law and Legal Interpretation," *Boston University Law Review* 90 (2010) 595-602.
- "Courage and Political Resistance," *Boston University Law Review* 90 (2010) 1755-1769.
- "Response," *Boston University Law Review* 90 (2010) 1869-1874.
- "Violence and Political Incivility," *Mercer Law Review* 63 (2012) 835-844.
- "Constitutional Principles," *Boston University Law Review* 92 (2012) 1237-1244.
- "Slavery and the Rule of Law in Early Virginia," in *Confronting Injustice* (Oxford: Oxford University Press, 2013), pp.14-28.
- "The Social Dimension of Rights," *Journal of Social Philosophy*, 44 (2013) 43-50.

- “Reason, Morality, and Constitutional Compliance,” *Boston University Law Review*, 93 (2013) 1381-1388.
- “The Tenuous Rule of Law,” in *Civic Values, Civic Practices*, ed. D.W. Harward (Washington, D.C.: Bringing Theory to Practice, 2013), pp. 35-40.
- “Professed Values, Constructive Interpretation, and Political History: Comments on Sotirios Barber, *The Fallacies of States’ Rights*,” *Boston University Law Review*, 94 (2014) 1395-1401.
- “Civil Disobedience,” “Conscientious Refusal,” “The Principle of Fairness,” and “The Natural Duty of Justice” in *A Rawls Lexicon*, ed. by Mandle and Reidy (Cambridge, U.K.: Cambridge University Press, 2015), pp. 104-107, 139-140, 273-276, 551-552.
- “The Utilitarian Justification of the State,” in *The Norton Introduction to Philosophy*, ed. Rosen, et al. (New York: W.W. Norton, 2015), pp. 963-970.
- “Wealth Concentration, Racial Subordination, and Political Corruption,” forthcoming in *Nomos*.

Review Essays:

- "On Reading Bentham," review of *An Introduction to the Principles of Morals and Legislation*, ed. J.H. Burns and H.L.A. Hart, and *Of Laws in General*, ed. H.L.A. Hart, *Philosophy* 47 (1972) 74-9.
- "Rights Against Humanity," review of *Anarchy, State, and Utopia* by Robert Nozick, *Philosophical Review* 85 (1976) 208-15.
- "Principles, Positivism, and Legal Theory," review of *Taking Rights Seriously* by Ronald Dworkin, *Yale Law Journal* 87 (1977) 415-35.
- Review of *H.L.A. Hart* by Neil MacCormick, *Cornell Law Review* 68 (1983) 257-68.
- "Founders and Foundations of Legal Positivism," review of *Essays on Bentham* by H.L.A. Hart, and *John Austin* by W.L. Morison, *Michigan Law Review* 82 (1984) 1301-18.
- "Soper's Moral Conception of Law," review of *A Theory of Law* by Philip Soper, *Ethics* 98 (1987) 158-65.
- "Reconstructing Legal Theory," review of *Law's Empire* by Ronald Dworkin, *Philosophy & Public Affairs*, 16 (1987) 379-93.
- "Bentham, Utilitarianism, and Distribution," review of *Utilitarianism and Distributive Justice: Bentham and the Civil Law* by P.J. Kelly, *Utilitas* 4 (1992) 323-8.

Review of *Classical Utilitarianism from Hume to Mill* by Frederick Rosen, *Utilitas* 18 (2006) 173-181.

Brief Reviews:

Distributive Justice by Nicholas Rescher, *Philosophical Review* 78 (1969) 265-8.

The Authority of Law by Joseph Raz, *Philosophical Review* 91 (1982) 461-5.

The Limits of Obligation by James Fishkin, *Ethics* 94 (1984) 327-9.

H.L.A. Hart by Neil MacCormick, *Philosophical Review* 93 (1984) 112-5.

Essays in Jurisprudence and Philosophy by H.L.A. Hart, *Times Literary Supplement* (May 18, 1984), pp. 539-40.

The Rejection of Consequentialism by Samuel Scheffler, *Ethics* 95 (1985) 936-9.

Bentham by Ross Harrison, *Journal of Philosophy* 85 (1988) 154-8.

Red, White, and Blue: A Critical Analysis of Constitutional Law by Mark Tushnet, *New York Law School Law Review* 34 (1990) 727-33.

Philosophical Anarchism and Political Disobedience by Chaim Gans, *Philosophical Review* 103 (1994) 734-6.

The Concept of Law (Second Edition) by H.L.A. Hart, *Law Quarterly Review* 111 (1995) 519-523.

Political Liberalism by John Rawls, *Economics and Philosophy* 12 (1996) 221-225.

The Color of Our Shame: Race and Justice in Our Time by Christopher J. Lebron, *Political Theory*, forthcoming.

Work in Progress

“Reparations,” for the Oxford Handbook of Philosophy and Race, ed. N. Zack.

The Color Line: Race, Oppression, Resistance, and Reform in American History [a short introduction].