

Jim Staihar

Curriculum Vitae

Work Address

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Postdoctoral Fellowship

Law and Philosophy Fellow, University of Chicago Law School, Summer 2008-present.

Education

University of Michigan, Ann Arbor, Philosophy Department, 2001-2008, M.A. 2005,
Ph.D. 2008.

Dissertation: *A Restorative Signaling Theory of Punitive Desert*

Committee: Elizabeth Anderson (chair), Stephen Darwall, Allan Gibbard, Thomas Green

Harvard Law School, Cambridge, MA, 1998-2001, J.D. 2001.

Editor, Harvard Law Review, 1999-2001.

Cornell University, Ithaca, NY, 1994-1997, A.B. Philosophy 1997, Summa Cum Laude
and Distinction in All Subjects.

Areas of Specialization

Philosophy of Law, Normative Ethics, Political Philosophy

Areas of Concentration

Applied Ethics, Metaethics

Publications

"A New Systematic Explanation of the Types and Mitigating Effects of Exculpatory
Defenses" (forthcoming in the peer-edited *New Criminal Law Review*).

Review of David Boonin, *The Problem of Punishment* (forthcoming in *Notre Dame
Philosophical Reviews*).

Honors and Awards

One-Term Fellowship, Winter 2008 & Fall 2006, awarded by the University of Michigan Philosophy Department.

John M. Olin Fellowship in Law and Economics, Summer 2005 & 2003-2004, awarded by the John M. Olin Center for Law and Economics at the University of Michigan Law School.

Charles L. Stevenson Prize for Excellence in the Graduate Program, April 2005, awarded annually by the University of Michigan Philosophy Department for an outstanding research dossier presented for candidacy.

Rackham One-Term Dissertation Fellowship, Winter 2005, awarded by the University of Michigan Graduate School.

Regents Fellowship, 2001-2002, awarded by the University of Michigan Graduate School.

Presentations

"Forgiving Criminals: What It Means and When It is Warranted."

- Work-in-Progress Workshop, University of Chicago Law School, December 2008.

"On the Optimal Enforcement of a Criminal Law."

- Midwestern Law & Economics Association Meeting, University of Kansas Law School, October 2006 (Rackham Graduate School Travel Grant).
- 2nd Annual International Conference on Social Science Research, Orlando, Florida, December 2005 (Department Travel Grant).

"A Restorative Signaling Theory of Punitive Desert."

- Athens Institute for Education and Research International Conference on Philosophy, Athens, Greece, June 2006 (Department Travel Grant).
- 4th Annual Hawaii International Conference on Arts and Humanities, January 2006 (Rackham Graduate School Travel Grant).

"Dispositionalism and a Dilemma."

- 3rd Biennial University of Washington Graduate Student Philosophy Conference, October 2005 (Department Travel Grant).

Commentary on Max Kölbel's "Literal Force: a Defence of Conventional Assertion."

- Summer School in Analytic Philosophy, Florence, Italy, June 2005 (competitive admission) (Rackham Graduate School Discretionary Grant).

Commentary on Michael Bratman's "Intention, Belief, Practical, Theoretical."

- University of Michigan's Spring Colloquium in Philosophy, April 2005.

Teaching Experience

Law and Philosophy Fellow, University of Chicago Law School
Seminar: Philosophical Issues in the Criminal Law, Spring 2009
Full responsibility for designing the course syllabus, leading a two hour seminar each week, and evaluating all the students' written work.

Law and Philosophy Workshop, Fall 2008, Winter 2009, Spring 2009
Assisting Brian Leiter and Martha Nussbaum in coordinating a year long workshop on the theme of religious toleration.

Graduate Student Instructor, University of Michigan
Introduction to Philosophy, Fall 2005, Winter 2007, Fall 2007, Spring 2008
Full responsibility for designing the course syllabus, delivering two to three lectures each week, and evaluating all the students' written work.

Teaching Assistant, University of Michigan
Law & Philosophy: Elizabeth Anderson, Fall 2003, Fall 2004
Problems of Philosophy: David Velleman, Winter 2003; Louis Loeb, Fall 2002
Full responsibility for leading two discussion sections each week and evaluating all the students' written work.

Other Work Experience

Summer Associate, Wilson Sonsini Goodrich & Rosati, Palo Alto, CA, 2000. Prepared a brief and memoranda on antitrust and intellectual property law.

Research Assistant, Professor Lawrence Lessig, Harvard Law School, Summer 1999.
Edited and researched Professor Lessig's book, *Code and Other Laws of Cyberspace*, and the plaintiffs' brief in the case *Eldred v. Reno* challenging the constitutionality of the Sonny Bono Copyright Term Extension Act.

Research Assistant, Professor Charles Fried, Harvard Law School, Summer 1999.
Prepared a memorandum on the state action doctrine in American, Canadian, German, and South African constitutional law.

Tutor, Educational Tutoring and Consulting, Mercer Island, WA, Spring 1998-Summer 1998. Tutored high school students in math and science courses.

Intern Investigator, Public Defender Service, Washington D.C., Fall 1997. Assisted attorneys in the criminal defense of indigent clients.

Graduate Coursework (* indicates an audited course)

Ethics

Evolution and Morality (Allan Gibbard, Peter Railton, Chandra Sripada)*
Ethics Seminar: The Second Person Standpoint (Stephen Darwall)*
Candidacy Reading Course: The Justification of Punishment (Elizabeth Anderson)
Independent Study: The Justification of Punishment (Donald Regan)
Meta-Ethics Seminar (Peter Railton)*
History of Ethics (Stephen Darwall)*
Problems of Human Action (David Velleman)
Normative Ethics (Donald Regan)
Ethical Analysis (Allan Gibbard)
Practical Reason (Derek Parfit at Harvard)
Ethics and Value Theory (Nicholas Sturgeon at Cornell)

Philosophy of Law, Political Philosophy

Political Philosophy (Thomas Scanlon & Amartya Sen at Harvard)
Philosophy of Law (Michael Blake at Harvard)
Markets, Morals and the Law (Michael Sandel at Harvard)

Metaphysics, Philosophy of Language, Logic

Meaning and Normativity (Allan Gibbard)*
Mathematical Logic (Allan Gibbard)
Proseminar (Allan Gibbard & Jason Stanley)
Metaphysics (Richard Miller at Cornell)
Philosophy of Language (Jason Stanley at Cornell)

History

Wittgenstein (Ian Proops)
Aristotle (Rachana Kamtekar)
Locke & Leibniz (Edwin McCann at Harvard)

Professional Service

Board Member, Civil Liberties Board of the Faculty Senate Assembly, University of Michigan, Ann Arbor, Fall 2007-Spring 2008. Worked with faculty to address issues of civil liberties at the University.

Department Representative, Graduate Student Forum, University of Michigan, Ann Arbor, Fall 2007-Spring 2008. Participated in discussions with the Dean and representatives from other departments on how to improve the graduate experience at the University.

Student Resolution Panelist, Office of Student Conflict Resolution, University of Michigan, Ann Arbor, Fall 2006-Spring 2008. Completed training to assist in resolving charges of misconduct against students.

Dissertation

A Restorative Signaling Theory of Punitive Desert

Committee: Elizabeth Anderson (chair), Stephen Darwall, Allan Gibbard, Thomas Green

I explain why and how much criminals deserve to be punished on the basis of a novel theory of punitive desert. Criminals deserve to be punished in the negative sense that the state would not violate their rights by punishing them against their will. Explaining why this is so is challenging because punishing someone involves intentionally harming her, and people have a prima facie right not to be intentionally harmed against their will. My restorative signaling theory avoids the shortcomings but incorporates the insights of the main competing theories in the literature, including expressive, consensual, unfair advantage, annulment, moral education, and deterrence theories of punitive desert.

My theory draws on the fact that when someone commits a crime without an exculpatory defense, she undermines conditions of trust, which are the conditions necessary for others' being justified in believing that she is not disposed to commit crimes. The criminal is obligated to restore such conditions because unless she does so, she will cause others to incur certain costs of insecurity. To restore the conditions of trust, the criminal must demonstrate to others that she has a good will, and to do so, she must sacrifice some of her sufficiently important personal interests for a sufficiently long time for the sake of benefiting others. According to the theory's main principle, a criminal deserves to be punished for her crime no more severely than the burdens she is obligated to undertake to restore the conditions of trust she undermined by committing her crime.

The theory explains why punishments should ideally take the form of labor intensive community service performed under reasonable conditions of incapacitation. I argue that the theory best explains why the state would not be justified in punishing all criminals extremely severely even though doing so could be the most efficient means of achieving deterrence. I also argue that it best explains the mitigating effects of exculpatory defenses on how much criminal actors not only deserve to be punished, but also are blameworthy. Finally, I argue that the theory illuminates what it means and when it is warranted to forgive criminals.

References (* reference available upon request)

Elizabeth Anderson, Philosophy Department, University of Michigan
Stephen Darwall, Philosophy Department, Yale University
Allan Gibbard, Philosophy Department, University of Michigan
Thomas Green, Law School and History Department, University of Michigan
Brian Leiter, Law School, University of Chicago, bleiter@uchicago.edu*
Martha Nussbaum, Philosophy Department, Law School, and Divinity School, University of Chicago, martha_nussbaum@law.uchicago.edu*
Peter Railton (teaching), Philosophy Department, University of Michigan