CHRISTOPHER P. TAGGART
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CURRENT POSITIONS

UNIVERSITY OF SURREY SCHOOL OF LAW, LECTURER IN LAW, 2016–Present
> Teach courses in criminal law, law and economics, and jurisprudence; publish in areas of jurisprudence, broadly construed; perform departmental administrative duties.

HARVARD EXTENSION SCHOOL, HARVARD SUMMER SCHOOL, COURSE INSTRUCTOR, 2015–Present
> Teach courses on introductory American law; law and philosophy; and criminal law and procedure.

UNIVERSITY OF NAVARRA SCHOOL OF LAW (Pamplona, Spain), VISITING LECTURER, January 2015–Present
> Teach "U.S. Contract Law" during the January term of the Anglo-American law program

EDUCATION

HARVARD LAW SCHOOL, S.J.D., 2013
> Dissertation: *A Critical Analysis of Kaplow and Shavell's Project Concerning the Foundations of Normative Economics*

HARVARD LAW SCHOOL, LL.M. (waived), 2006
> Long Paper: *Inclusive Legal Positivism and Practical Difference*

YALE LAW SCHOOL, J.D., 2002
> Member of the Yale Environmental Law Association

UNIVERSITY OF NOTRE DAME, Ph.D. (Philosophy), 1996
> Dissertation: *An Essay in Favor of Property Dualism*

UNIVERSITY OF NOTRE DAME, M.A. (Philosophy), 1992

DREW UNIVERSITY, B.A. (Mathematics & Philosophy), *summa cum laude*, 1989
> Honors: Phi Beta Kappa; Drew Scholar; Dean's List (all semesters); Winifred B. Baldwin Fellowship for graduate/professional studies; Bernard Compagnone Prize in Mathematics; Burke Prize in Humanities

PUBLICATIONS

How Can 'Positivism' Account for Legal Adjudicative Duty?, 33 OXFORD J. LEGAL STUD. 169 (2013).

Abstract: One aspiration of an analytic jurisprudential theory is to provide an account of how legal obligations arise, including the legal obligation of judges to apply only legally valid norms when adjudicating cases. Also, any fully adequate theory should enable a solution to a 'chicken-egg' puzzle regarding legal authority: legal authority can exist only in virtue of rules that authorize it, but such rules require a legal authority as their source. Which came first? I argue that it is difficult to see how a particular type of positivist theory can solve the puzzle and also account for the aforementioned adjudicative duty. The relevant sort of positivist theory is one in which the content of a foundational norm does three things: (i) specifies the ultimate conditions for legal validity; (ii) authorizes certain individuals to create valid legal norms and certain

individuals to apply those norms to resolve disputes; and (iii) imposes a legal duty on authorized norm-appliers to apply only norms that are legally valid. The challenge can be framed in terms of the need to be able to derive a legal 'ought' (applying to courts) from only 'is'-statements expressing social facts, where the requisite derivation cannot rely on what John Searle has called 'institutional facts'. Because some of the leading positivist theories are of the relevant sort specified above, if the challenge proves insurmountable, then those positivist theories will turn out to be either false or seriously incomplete.

Retributivism, Agency, and the Voluntary Act Requirement, 36 PACE L. REV. 645 (2016).

Abstract: The Voluntary Act Requirement ("VAR") is the fundamental predicate for imposing legal punishment. Punishing solely on the basis of evil thoughts or a villainous character is impermissible. The VAR also embodies the notion that we must not punish someone for conduct over which she lacked sufficient control. But why not punish someone for conduct that was not within her control? One answer is retributivist—it would be unjust to do so because that defendant could not have been morally responsible for, and therefore could not deserve punishment for, what she did. Agent causalism is a contentious view about how criminal defendants voluntarily act according to which the defendants themselves cause their free, morally responsible actions, as opposed to events or states of affairs involving them, their brains, their circumstances, and so forth. This article argues that for retributivist justifications of the VAR to be plausible, agent causalism must be true. Agent causalism might be false, and if it is, then retributivism could not play any role in justifying our fundamental legal precondition for ever imposing any criminal liability upon anyone. This article does not argue that agent causalism is false, however. It elaborates and renders plausible an agent causalist position, and it shows how that position could handle types of cases that notoriously pose challenges to the VAR—cases involving complex unconscious conduct, cases involving crimes of omission, and cases involving habitual conduct.

The Limits and Significance of Kaplow and Shavell's Pareto Argument, 99 MARQUETTE L. REV. 661 (2016).

Abstract: In a series of articles and a book, Louis Kaplow and Steven Shavell ("KS") articulated and defended the normative approach of standard law-and-economics. KS also argued that legal analysts should think in welfare-economic terms exclusively when advising on normative social issues of tremendous import. This thesis generated controversy within the legal academic community, since it implied that numerous analysts were not doing an important part of their jobs the way that they should be doing it. One of KS's main arguments featured a very plausible version of the Pareto principle. KS claimed that their Pareto argument demonstrated that any method of policy evaluation that gives any weight to principles independently of their effect on how well-off individuals become sometimes commits the evaluator to making everyone worse off. This article argues that KS misstated what their Pareto argument demonstrated. It also engages KS's Pareto argument to reach the result that the Pareto argument provides no independent reason to endorse any part of welfare economics and thus no independent reason to adhere exclusively to welfare-economic thinking. The article also clarifies much of what is at stake in deciding whether to adopt an exclusively welfare-economic approach to normative legal scholarship. Finally, the article suggests that KS's central thesis is incorrect—there is an important place at the table for forms of normative analysis that diverge from a purely welfare-economic approach.

Retributivism, Ultimate Responsibility, and Agent Causalism, 54 TULSA L. REV. 441 (2019).

Abstract: Except for limited forms of omissions liability, Anglo-American criminal law generally requires a criminal defendant, D, to perform a voluntary action before imposing criminal liability. Further, D must be morally responsible for performing the action for D to deserve punishment for doing it. So, a puzzle about moral responsibility connected to longstanding debates about determinism and free will, a puzzle that implies that D is never morally responsible for performing any action, must have a moral-responsibility-preserving solution for any form of retributivism to be true. One compatibilist solution denies that moral responsibility requires what has been termed 'ultimate responsibility'. Whether ultimate responsibility is required for moral responsibility is a contested issue. And, if ultimate responsibility is required for moral responsibility, then the compatibilist solution is unavailable. This paper argues that, if ultimate responsibility is required for moral responsibility, then, unless both indeterminism and agent causalism are true, any form of retributivism is false.

A Response to the Problem of Wild Coincidences (in progress)

Abstract: Derk Pereboom has posed an empirical objection to agent-causal libertarianism: The best empirically confirmed scientific theories feature physical laws predicting no long-run deviations from fixed conditional frequencies that govern events. If agent-causal libertarianism were true, however, then it would be virtually certain, absent 'wild coincidences', that such long-run deviations would occur. So, current empirical evidence makes agent-causal libertarianism extremely unlikely. This paper formulates Pereboom's 'Problem of Wild Coincidences' as a five-step argument and considers two recent responses. Then, it offers a different response: The Problem of Wild Coincidences does not show that current empirical evidence makes agent-causal libertarianism unlikely, even if all events are governed by physical laws featuring fixed long-run conditional frequencies and even if agents can 'overrule' normal physical laws.

The Voluntary Act Requirement, Constitutive Moral Luck, and Agent-causal Libertarianism (in progress)

Abstract: The Voluntary Act Requirement (the 'VAR'), which includes a control requirement, establishes a precondition for imposing criminal liability on a defendant, D. Because D's constitutive moral luck calls into question whether the VAR's control requirement can be satisfied, it calls into question whether criminal liability may be imposed on D. This paper suggests how a form of agent-causal libertarianism might address that concern.

LEGAL WORK EXPERIENCE

HARVARD LAW SCHOOL, LECTURER ON LAW, 2011–2016
>Taught courses (primarily to LL.M. students) on introductory American law; legal research, writing, and analysis; and contracts.

HARVARD LAW SCHOOL GRADUATE PROGRAM (coordinator, HLS Law Teaching Colloquium), 2011–2013
>Organized seminars on aspects of law teaching, including recruitment, publications, and pedagogy.

RESEARCH ASSISTANT (HLS Library, Prof. Charles Ogletree, Prof. Scott Brewer, Prof. Charles Harr), summer 2006–2010
>Drafted research memoranda. Drafted formal papers. Performed legal research. Critically analyzed articles and law school class handouts.

HARVARD LAW SCHOOL GRADUATE PROGRAM (LL.M. Advisor), 2006
>Advised students on academic matters. Facilitated positive overall law school graduate student experience for advisees.

ARNOLD & PORTER LLP, New York, Associate, 2002–2005; Summer 2001
>Practiced in environmental and litigation groups. Drafted legal memoranda, briefs, and formal documents. Researched legal issues. Counseled and represented clients. Conducted depositions. Managed discovery in product liability cases.

LION TECHNOLOGY INC., Lafayette, NJ, Instructor, 1996–1999; Summer 2000
>Presented numerous live seminars on regulatory compliance throughout the United States. Created, reviewed, and revised workshop materials. Designed multi-media regulatory education products. Advised clients on environmental, health, and safety regulatory issues. Researched regulatory topics.

TEACHING EXPERIENCE

UNIVERSITY OF SURREY SCHOOL OF LAW, LECTURER IN LAW, 2016–Present
> Convene, tutor, and/or assess modules in criminal law, law and economics, and jurisprudence. Supervise final year LLB dissertations. Supervise (secondary) PhD dissertations.

HARVARD EXTENSION SCHOOL, HARVARD SUMMER SCHOOL, COURSE INSTRUCTOR, 2015–Present
> Teach the following courses: "An Introduction to American Law," "Law and Philosophy," "Topics in American Criminal Law and Procedure." Selected by graduate students as one of thirteen instructors across Harvard University to speak at "One Harvard: Lectures that Last."

UNIVERSITY OF NAVARRA SCHOOL OF LAW (Pamplona, Spain), January 2015–Present
> Teach "U.S. Contract Law."

HARVARD LAW SCHOOL, LECTURER ON LAW, 2011–2016
> Teach the following courses (primarily to LL.M. students): "An Introduction to American Law," "Legal Research, Writing, and Analysis," and "Contracts." Taught "First Year Legal Research and Writing" to J.D. students in Spring 2013.

HARVARD COLLEGE, PROF. MICHAEL SANDEL & PROF. DOUGLAS MELTON, Spring 2012
> Teaching Fellow for "Ethics, Biotechnology, and the Future of Human Nature."

HARVARD COLLEGE, PROF. SCOTT BREWER, Spring 2010
> Teaching Fellow for "Trust, Vision, and Doubt in Ethics, Politics, and Law."

HARVARD COLLEGE, PROF. SUSANNA SIEGEL, Spring 2010
> Teaching Fellow for "Moral Reasoning about Social Protest."

HARVARD COLLEGE, PROF. MICHAEL SANDEL, Fall 2010
> Teaching Fellow for "Justice."

HARVARD COLLEGE, PROF. STEVEN PINKER, Spring 2008
> Teaching Fellow for "The Human Mind."

HARVARD COLLEGE, PROF. NANCY ROSENBLUM, Spring 2008
> Teaching Fellow for "Legalism: Ruly and Unruly Thought and Practices."

HARVARD LAW SCHOOL GRADUATE PROGRAM, 2008–2010
> Teaching Assistant for "Perspectives on American Law."

HARVARD COLLEGE, PROF. MICHAEL SANDEL, Fall 2008
> Teaching Fellow for "Justice." Awarded Certificate of Distinction in teaching from the Derek Bok Center.

HARVARD EXTENSION SCHOOL, PROF. NANCY ROSENBLUM, Spring 2007
> Teaching Fellow for "The History of Modern Political Philosophy."

HARVARD LAW SCHOOL GRADUATE PROGRAM, 2007
> Teaching Assistant for "LL.M. Writing Workshop."

HARVARD COLLEGE, PROF. BERNHARD NICKEL, Fall 2007
> Teaching Fellow for "Introduction to the Problems of Philosophy." Awarded Certificate of Distinction in teaching from the Derek Bok Center.

UNIVERSITY OF NOTRE DAME, INDIANA UNIVERSITY (SOUTH BEND), ST. MARY'S COLLEGE (SOUTH BEND), 1992–1996

Course Instructor. Designed and taught college courses in logic, introductory philosophy, and a seminar in philosophy of mind.

PROFESSIONAL AFFILIATIONS

Admitted to the New York Bar in 2003 (inactive status). Admitted to the New Jersey Bar in 2002 (inactive status). Member of the Association of the NYC Bar Bioethics Committee 2003–2004. Fellow of the Higher Education Academy (current).