



## Gideon Yaffe

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### Publications

#### Books

As Author:

The Age of Culpability: Children and the Nature of Criminal Responsibility, Oxford University Press, forthcoming.

Attempts: In the Philosophy of Action and the Criminal Law, Oxford University Press, 2010.

Manifest Activity: Thomas Reid's Theory of Action, Oxford University Press, 2004.

Liberty Worth the Name: Locke on Free Agency, Princeton University Press, 2000.

As Co-Editor:

Rational and Social Agency: The Philosophy of Michael Bratman (with Manuel Vargas), Oxford University Press, 2014.

Contemporary Perspectives on Early Modern Philosophy: Essays in Honor of Vere Chappell (with David Owen and Paul Hoffman), Broadview Press, 2008.

#### Articles

"The Duty Requirement" forthcoming in The Ethics and Law of Omissions, edited by Dana Nelkin and Sam Rickless, Oxford University Press.

"Desert for Wrongdoing" in The Journal of Ethics, 2016.

"Hypothetical Consent" forthcoming in The Routledge Handbook of the Ethics of Consent, edited by Peter Schaber.

"Collective Intentionality in the Law" forthcoming in The Routledge Handbook of Collective Intentionality, edited by Kirk Ludwig and Marija Jankovic.

"What Does Recent Neuroscience Tell Us About Criminal Responsibility?" (with Uri Maoz) in Journal of Law and the Biosciences, 2015.

- “Non-Political Images Evoke Neural Predictors of Political Ideology” (middle author--Ahn, W.-Y., Kishida, K. T., Gu, X., Lohrenz, T., Harvey, A. H., Alford, J. R., Smith, K. B., Yaffe, G., Hibbing, J. R., Dayan, P., & Montague, P. R.) in Current Biology, v.24, n. 22, 2014.
- “In Defense of Criminal Possession” in Criminal Law & Philosophy, 2014.
- “Criminal Attempts” in The Yale Law Journal, v. 124, n. 1. 2014.
- “Law and Neuroscience: Recommendations Submitted to the President's Bioethics Commission” in Journal of Law and the Biosciences, v. 1, n. 2, 2014. (Fifteen author consensus document co-written with Owen Jones and the other members of the MacArthur Law and Neuroscience Project.)
- “Moore in Jeopardy, Again” in Legal, Moral and Metaphysical Truths: The Philosophy of Michael Moore, edited by Kim Ferzan and Stephen Morse, Oxford University Press, 2016.
- “Hart's Choices” in Hart on Responsibility, edited by Christopher Pulman, Palgrave-MacMillan, 2014.
- “Mind-Reading by Brain-Reading and Criminal Responsibility” in Law and Neuroscience: State of the Art, edited by Michael Pardo and Dennis Patterson, Oxford University Press, 2016.
- “On Reporting the Onset of the Intention to Move” (last author—Maoz, U., Mudrik, L., Rivlin, R., Ross, I., Mamelak, A., Yaffe, G.) in Surrounding Free Will edited by Alfred R. Mele, Oxford University Press, 2015.
- “Cognitive Neuroscience and Criminal Responsibility” (with Uri Maoz) in The Cognitive Neurosciences, edited by Michael Gazzaniga, MIT Press, 2015.
- “Attempts” in Philosophy of Law, edited by Joel Feinberg, Jules Coleman and Christopher Kutz, Thomson-Wadsworth Publishing, 2014.
- “Neurological Disorder and Criminal Responsibility” in Handbook of Clinical Neurology, 2013.
- “Are Addicts Akratic?: Interpreting the Neuroscience of Reward”, in Addiction and Self-Control, edited by Neil Levy, Oxford University Press, 2013.
- “Reid on Favors, Injuries and the Natural Virtue of Justice” (with Lewis Powell), in Thomas Reid on Mind, Knowledge, and Value, edited by Rebecca Copenhaver and Todd Buras, Oxford University Press, 2015.

- “Trying to Defend *Attempts*: Reply to Bratman, Brink, Alexander and Moore” in Legal Theory, v. 19, 2013
- “The Legal Importance of Trying: Reply to Enoch, Dahan-Katz and Berman” in Jerusalem Review of Legal Studies, v. 6, n.1, 2012.
- “Intending to Aid” in Law and Philosophy, 2012. Reprinted in Rodopi Philosophical Studies, v. 10—*Social, Political, & Legal Philosophy: Law and the Philosophy of Action*, v. 3, 2014.
- “More Attempts: A Reply to Duff, Husak, Mele and Walen” in Criminal Law and Philosophy, v. 6, n. 3, 2012.
- “Reply to Broersen, Nadelhoffer and Sverdlik” in Jurisprudence, v.3, n.2, 2012.
- “Intoxication, Recklessness and Negligence” in Ohio State Journal of Criminal Law, v. 9, 2012.
- “Attempt, Risk-Creation and Change of Mind: Reflections on Herzog” in Ohio State Journal of Criminal Law, v. 9, 2012.
- “Moore on Causing, Acting and Complicity”, in Legal Theory, v. 18, 2012.
- “The Voluntary Act Requirement” in The Routledge Companion to the Philosophy of Law, edited by Andrei Marmor, 2012.
- “Defending, not Excusing, ‘Excusing Mistakes of Law’” in Proceedings of the American Philosophical Association, v. 11, n. 1, 2011. A revised version appears in Jurisprudence, v. 6, n. 1, 2015 under the title “Excusing Mistakes of Law: A View Sketched” and “Replies to Guerrero and Greenberg”.
- “Prevention and Imminence, Pre-punishment and Actuality”, in San Diego Law Review, v. 48, 2011.
- “Trying to Kill the Dead: De Re and De Dicto Intention in Attempted Crimes” in Philosophical Foundations of Law & Language, edited by Andrei Marmor and Scott Soames, Oxford University Press, 2011.
- “Lowering the Bar for Addicts” in Addiction and Responsibility, edited by George Graham and Jeffrey Poland, MIT Press, 2011.
- “Locke on Consciousness, Personal Identity and the Idea of Duration” in Noûs, 2011.
- “A Procedural Rationale for the Necessity Defense” in Responsibility in Morality and

- Law, edited by Susan Dimock, a special issue of The Journal of Value Inquiry, v. 43, 2009.
- "Excusing Mistakes of Law" in Philosopher's Imprint, 2009.  
2010 winner of the American Philosophical Association's Berger Prize for the best article or chapter in legal philosophy over the last two years.
- "Libet and the Criminal Law's Voluntary Act Requirement" in Conscious Will and Responsibility, edited by Lynn Nadel and Walter Sinnott-Armstrong, Oxford University Press, 2011.
- "Beyond the Brave Officer: Reid on the Unity of the Mind and Locke's Theory of Personal Identity" in Thomas Reid on Ethics, edited by Sabine Roeser, Palgrave-Macmillan Press, 2009.
- "Thomas Reid on Consciousness and Attention" in Canadian Journal of Philosophy, v. 39, 2009.
- "Trying, Acting and Attempted Crimes" in Law and Philosophy, 2008.
- "Reasonableness in the Law and Second-Personal Address" in Loyola Law Review, v. 40, 2007.
- "Promises, Social Acts and Reid's First Argument for Moral Liberty" in Journal of the History of Philosophy, v. 45, 2007.
- "Trying, Intending and Attempted Crimes" in Philosophical Topics, v. 32, 2006.
- "More on 'Ought Implies Can' and Alternate Possibilities" in Midwest Studies in Philosophy: Free Will and Responsibility, v. 29, 2005.
- "The Government Beguiled Me': The Entrapment Defense and the Problem of Private Entrapment" in The Journal of Ethics and Social Philosophy, v.1, 2005.
- "Berkeley and the 'Mighty Difficulty': The Idealist Lesson of the Inverted Retinal Image" in Philosophical Topics, v. 31, 2005.
- "Conditional Intent and *Mens Rea*" in Legal Theory, v. 10, 2004.
- "Locke on Ideas of Substance and the Veil of Perception" in Pacific Philosophical Quarterly v. 85, 2004.
- "Peach Trees, Gravity and God: Mechanism in Locke" (with Marleen Rozemond) in The British Journal for the History of Philosophy, v. 12, n. 3, 2004.
- "Time in the Movies" in Midwest Studies in Philosophy: Meaning in the Arts, v. 27, 2003.
- "Indoctrination, Coercion, and Freedom of Will" in Philosophy and Phenomenological

Research, v. 67, n. 2, September 2003.

"Reid on the Perception of Visible Figure" in Journal of Scottish Philosophy, v. 1, n. 2, 2003.

"The Office of an Introspectible Sensation: A Reply to Falkenstein and Grandi" in Journal of Scottish Philosophy, v. 1, n. 2, 2003.

"Reconsidering Thomas Reid's Geometry of Visibles" in Philosophical Quarterly, v. 52, n. 209, October 2002. Reprinted in The Philosophy of Thomas Reid, edited by John Haldane and Stephen Read, Blackwell Publishing, 2003.

"Recent Work on Addiction and Responsible Agency" in Philosophy and Public Affairs, v. 30, n. 2, Spr. 2001.

"Locke on Suspending, Refraining and the Freedom to Will" in History of Philosophy Quarterly, v. 18, n. 4, October 2001.

"Free Will and Agency at Its Best" in Philosophical Perspectives, v. 14, edited by James Tomberlin, Oxford University Press, 2000.

"'Ought' Implies 'Can' and the Principle of Alternate Possibilities" in Analysis, v. 59, n. 3, July 1999.

"Velleman on Intentions as Reasons for Action" in Analysis, v. 55, n. 2, April 1995

"Freedom, Natural Necessity and the Categorical Imperative" in Kant-Studien, v. 86, 1995.

#### Reviews, Columns, Commentaries and Encyclopedia Entries

"Give Felons and Prisoners the Right to Vote" in The Washington Post, July 26, 2016

"Activists say Airbnb drives up rents. But is that actually true? L.A. needs to find out" in The Los Angeles Times, May 16, 2016.

"To Convict, Prove a Guilty Mind" in The New York Times, February 12, 2016.

"Ruben on the Physical Action Theory of Trying" in Method, v. 4, n. 6, 2015.

"Dopamine Dysfunction and Addict Responsibility: A Comment on Read Montague's 'The Freedom to Choose and Drug Addiction'" in Moral Psychology, Volume IV: Free Will and Moral Responsibility, edited by Walter Sinnott-Armstrong

- "Michael Bratman" forthcoming in the Cambridge Dictionary of Philosophy
- "Harry Frankfurt" forthcoming in the Cambridge Dictionary of Philosophy
- "Review of Scott Shapiro's Legality" in Philosophical Review, 2012.
- "Intention in the Law" in Companion to the Philosophy of Action, Wiley-Blackwell, 2010.
- "Harmfulness, Wrongfulness, Lesser Evils and Risk-Creation: A Comment on Douglas Husak's Overcriminalization" in The Jerusalem Review of Legal Studies, v. 1, 2010.
- Critical Response to Stephen Darwall's The Second-Person Standpoint: Morality, Respect and Accountability in Philosophy and Phenomenological Research, 2010.
- Critical Response to John Fischer's My Way in Philosophy and Phenomenological Research, 2009.
- "The Real Link Between Imminence and Necessity" in Criminal Law Conversations, Oxford University Press, 2009.
- "Free Will and Volition" in Continuum Companion to Locke, Thoemmes Continuum Press, 2010.
- Review of James Harris's Of Liberty and Necessity: The Free Will Debate in Eighteenth Century British Philosophy in Mind, v. 117, April 2008.
- Review of Randolph Clarke's Libertarian Accounts of Free Will in The Journal of Ethics, 2007.
- "Locke on Identity and the Identity of Persons" in The Cambridge Companion to Locke's 'Essay', edited by Lex Newman, Cambridge University Press, 2007.
- "Waldron's Locke and Locke's Waldron: Review of Jeremy Waldron's God, Locke and Equality" (with Nomi Stolzenberg) in Inquiry, v. 49, n. 2, April 2006.
- "Shaftesbury" in The Blackwell Companion to Early Modern Philosophy, edited by Steven Nadler, Blackwell Publishing, 2002.
- "Thomas Reid" in The Stanford Encyclopedia of Philosophy (plato.stanford.edu)
- "Review of Nicholas Jolley, Locke: His Philosophical Thought" in The British Journal for the History of Philosophy, June 2000.
- "Review of J. Fischer and M. Ravizza, Responsibility and Control: A Theory of Moral Responsibility" in Erkenntnis, December 2000.