

# NATHAN B. OMAN

Marshall-Wythe School of Law  
The College of William & Mary  
Post Office Box 8765  
613 South Henry Street  
Williamsburg, VA 23187-8795  
Fax. 757.221.3261  
[nboman@wm.edu](mailto:nboman@wm.edu)

---

## ACADEMIC APPOINTMENTS

Marshall-Wythe School of Law, The College of William & Mary  
Rollins Professor of Law, 2016-present

Co-director, William & Mary Center for the Study of Law and Markets, 2016-2022  
W. Taylor Reveley III Research Professor, 2022  
Cabell Research Professor, 2018  
Taylor Research Professor, 2015  
Elizabeth & Robert Scott Research Professor, 2014  
Taylor Research Professor, 2013  
Cabell Research Professor, 2012  
Professor, 2012-2016 (with tenure)  
Associate Professor, 2010-2012  
Assistant Professor, 2006-2010

Plumeri Award for Faculty Excellence, 2016  
Plumeri Award for Faculty Excellence, 2012  
(College-wide award for research excellence)

Nootbaar Institute on Law, Religion & Ethics, Pepperdine Law School  
Fellow, 2020-2023

Hebrew University Faculty of Law  
Visiting Professor, May-June 2011

Cornell Law School  
Visiting Professor, Spring, 2010

University of Richmond Law School  
Visiting Professor, Fall, 2008

## EDUCATION

Juris Doctorate                    Harvard Law School, *cum laude*, 2003  
    *Harvard Law Review*, Articles Committee, Editor  
    *Harvard Journal of Law & Public Policy*, Editor

Bachelor of Arts      Brigham Young University, *cum laude*, 1999  
Political Science, minors: Philosophy and Korean  
Presidential Scholar (highest university academic scholarship)

## PUBLICATIONS

## Books

## THE DIGNITY OF COMMERCE: MARKETS AND THE MORAL FOUNDATIONS OF CONTRACT LAW (2016 Chicago UP)

CONTRACTS: CASES & DOCTRINE (6<sup>th</sup>-7<sup>th</sup> eds. 2016-2021 Wolters Kluwer) (with Randy E. Barnett eds.)

PERSPECTIVES ON CONTRACT LAW (5<sup>th</sup> ed. 2018 Wolters Kluwer) (with Randy E. Barnett eds.)

REAPPROACHING ZION: NEW ESSAYS ON MORMON SOCIAL THOUGHT (2020 BCC Press) (with Samuel Brunson eds.)

DEMOCRACY, RELIGION, AND THE MARKET (2023 Routledge) (with Kathleen Flake eds.)

LAW AND THE RESTORATION, VOLUME 1: ESSAYS ON LAW AND LATTER-DAY SAINT HISTORY  
(forthcoming Kofford Books)

## LAW AND THE RESTORATION, VOLUME 2: ESSAYS ON LAW AND LATTER-DAY SAINT THOUGHT AND SCRIPTURE (forthcoming Kofford Books)

Law Review Articles

*Restructuring Ruritania: Bankruptcy, Sovereign Debt, and the Equity Receivership*, 66 ARIZ. L. REV. \_\_ (forthcoming)

(with Kimberly Krawiec) *The Case for Specific Performance of Personal Service Contracts*, 110 IOWA L. REV. \_\_\_\_ (forthcoming)

*Nomos, Narrative, and Nephi: Legal Interpretation in the Book of Mormon*, 11 BRIT. J. AM. LEG. STUD. 297 (2022)

Book Review, *The Temptation of Cosmic Private Law Theory*, 66. AM. J. JUR. 395 (2021) (reviewing Nicholas J. McBride, *The Humanity of Private Law*)

*“Agreeable to the Laws of Our Country”: Mormonism, Church Corporations, and the Long Legacy of America’s First Disestablishment*, 36 J. L. & REL. 202 (2021)

*Markets and Contractual Fairness*, 17 EUROPEAN REV. CONTRACT L. 211 (2021)

*Temple, Torah, and Sacrament: Some Christian Thoughts on Halakhah*, 64 VILLANOVA L. REV. 743 (2019)

*Contract Law and the Liberalism of Fear*, 20 THEO. INQUIRIES IN L. 381 (2019)

*Justice Traynor and the Summer of Love: Misunderstanding the Parole Evidence Rule in Pacific Gas*, in *The Best and Worst of Contracts Decisions: An Anthology*, 45 FLA. ST. U. L. REV. 1004 (2018)

*Beyond Gift and Bargain: Some Suggestions for Increasing Kidney Exchanges*, 81 LAW & CONTEMP. PROB. 37 (2018)

*Commerce, Religion, and the Rule of Law*, 6 J. L. REL. & STATE 213 (2018)

*Reconsidering Contractual Consent: Why We Shouldn't Worry Too Much About Boilerplate and Other Puzzles*, 83 BROOKLYN L. REV. 215 (2017)

*Doux Commerce, Religion, and the Limits of Antidiscrimination Law*, 92 IND. L.J. 693 (2017)

*The Need for a Law of Church and Market*, 64 DUKE L.J. ONLINE 141 (2015)

Book Review, 33 L. & HIS. REV. 480 (2015) (reviewing Gordon A. Madsen, Jeffery N. Walker & John Welch, *Sustaining the Law: Joseph Smith's Legal Encounters*)

*International Legal Experience and the Mormon Theology of the State, 1945-2013*, 100 IOWA L. REV. 715 (2015)

(with Alan Meese) *Hobby Lobby, Corporate Law, and the Theory of the Firm: Why For-Profit Corporations are RFRA Persons*, 127 HARV. L. REV. F. 273 (2014)

*A Theory of Civil Liability*, 21 GEO. MASON. L. REV. 318 (2014)

(with Jason Solomon) *The Supreme Court's Theory of Private Law*, 62 DUKE L.J. 1109 (2013)

*Markets as a Moral Foundation for Contract Law*, 98 IOWA L. REV. 183 (2012)

*Promise and Private Law*, 44 SUFFOLK L. REV. 935 (2012)

*Why There is No Duty to Pay Damages: Powers, Duties, and Private Law*, 37 FLA. ST. U. L. REV. 137 (2011)

*The Honor of Private Law*, 80 FORDHAM L. REV. 31 (2011)

*How to Judge Sharia Contracts: A Guide to Islamic Marriage Contracts in American Courts*, 2011 UTAH L. REV. 287

*Natural Law and the Rhetoric of Empire: Reynolds v. United States, Polygamy, and Imperialism*, 88 WASH. U. L. REV. 661 (2011)

*Consent to Retaliation: A Civil Recourse Theory of Contractual Liability*, 96 IOWA L. REV. 529 (2011)

*Bargaining in the Shadow of God's Law: Islamic Mahr Contracts and the Perils of Legal Specialization*, 45 WAKE FOREST L. REV. 579 (2010)

*A Pragmatic Defense of Contract Law*, 98 GEO. L.J. 77 (2009)

*Specific Performance and the Thirteenth Amendment*, 93 MINN. L. REV. 2020 (2009)

*Preaching to the Court House and Judging in the Temple*, 2009 BYU L. REV. 157

*The Failure of Economic Interpretations of the Law of Contract Damages*, 64 WASH. & LEE L. REV. 829 (2007)

*Contract Law and Morality: Introduction*, 48 WM. & MARY L. REV. 1643 (2007)

Book Review, *Unity and Pluralism in Contract Law*, 103 MICH. L. REV. 1483 (2005) (reviewing Stephen Smith, *Contract Theory*)

*Corporations and Autonomy Theories of Contract: A Critique of the New Lex Mercatoria*, 82 DENV. U.L. REV. 101 (2005)

*Statutory Interpretation in Econotopia*, 25 PACE L. REV. 49 (2005)

Note, *Wagering on Religious Freedom*, 116 HARV. L. REV. 946 (2003)

Book Review, *Story of a Forgotten Battle*, 2002 BYU. L. REV. 745 (2002) (reviewing Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America*)

Case Comment, *Republican Party of Minnesota v. White*, 116 HARV. L. REV. 272 (2002)

Case Comment, *Washington v. Heckel*, 115 HARV. L. REV. 931 (2002)

#### Non-Law Review Articles

*Intent to Create Legal Relations and the Nature of Contractual Consent*, in RESEARCH HANDBOOK IN THE PHILOSOPHY OF CONTRACT LAW (Mindy Chen-Wishart & Prince Saprai, eds. forthcoming)

*Travel Bans: Mormon and Muslim*, in ENGAGING MODERNITY: SECULARISM, CULTURE, AND THE LATTER-DAY SAINTS (Catherine Jarvis, G. Eric Jarvis & Daniel Cere eds., forthcoming)

*"The Blessing That's Anticipated Here Will Be Realized in the Next Life": The Development of Modern Latter-day Saint Marital Sealing Rules*, 48 J. MORMON HIST. 103 (2023)

*'Standing Betwixt Them and Justice': War and Atonement in the Book of Mormon, in GOD HIMSELF WILL COME DOWN: READING MOSIAH 15* (Joseph Spencer & Andrew Smith eds. 2023)

*Regulating Religious Performance on the Commercial Stage, in DEMOCRACY, RELIGION, AND THE MARKET 177* (Kathleen Flake & Nathan B. Oman eds., 2023)

*Introduction: Democracy and Religion in the Market, in DEMOCRACY, RELIGION, AND THE MARKET 1* (Kathleen Flake & Nathan B. Oman eds. 2023) (with Kathleen Flake)

*Salt, Smurthwaite, and Smith: Litigation and the Legal Identity of the Church of Jesus Christ of Latter-day Saints*, 47 J. MORMON HIST. 92 (2022)

*Civil Disobedience in Latter-day Saint Thought*, BYU STUDIES Q. 60/3 (Fall 2021) at 229

(with Rosalynde Welch) *Mormonism and Conscience, in CHRISTIANITY AND THE LAWS OF CONSCIENCE: AN INTRODUCTION 245* (Jeffrey B. Hammond & Helen M. Alvare eds., 2021)

*John Calvin's Quarrel with Civil Recourse Theory, in CHRISTIANITY AND PRIVATE LAW 275* (Michael Mooreland & Robert Cochran, eds., 2021)

*Private Law and Local Custom, in THE OXFORD HANDBOOK OF THE NEW PRIVATE LAW THEORY 159* (Henry Smith et al eds. 2021)

*Introduction: Reapproaching Zion, in REAPPROACHING ZION: NEW ESSAYS ON MORMON SOCIAL THOUGHT 1* (Nathan B. Oman & Samuel Brunson, eds. 2020) (with Samuel Brunson)

*Doux Commerce in the City of God: Trade and the Mormon Idea of Zion, in REAPPROACHING ZION: NEW ESSAYS ON MORMON SOCIAL THOUGHT 131* (Nathan B. Oman & Samuel Brunson, eds. 2020)

Book Review, 6 MORMON STUD. REV. 167 (2019) (reviewing *Mountain Meadows Massacre: Collected Legal Papers*, Richard E. Turley Jr. et al eds.)

*Welding Another Link in Wonder's Chain: The Task of Latter-day Saint Intellectuals in the Church's Third Century, INTERPRETER: A JOURNAL OF LATTER-DAY SAINT FAITH & SCHOLARSHIP 33 (2019): 141.*

*"I will give unto you my law": Section 42 as a Legal Text and the Paradoxes of Divine Law, in EMBRACING THE LAW: READING DOCTRINE AND COVENANTS 42* (Jeremiah John & Joseph M. Spencer, eds. 2017)

*"We the People of the Kingdom of God": Mormon Constitution Writing in the Council of Fifty, in THE COUNCIL OF FIFTY: WHAT THE RECORDS REVEAL ABOUT MORMON HISTORY 55* (Mathew J. Grow & R. Eric Smith eds. 2017)

*International Legal Experience and the Mormon Theology of the State, 1945-2013, in OUT OF OBSCURITY* (Patrick Mason & John Turner eds. 2016)

Book Review, 101 J. AM. HIST. 549 (2014) (reviewing *New Perspectives in Mormon Studies: Creating and Crossing Boundaries*, Quincy D. Newell & Eric F. Mason eds.)

*Reynolds v. United States*, in MORMONISM: A HISTORICAL ENCYCLOPEDIA 119 (Paul Reeve & Ardis Parshall eds. 2010)

*Mormonism and Secular Government*, in ENCYCLOPEDIA OF MORMON HISTORY 329 (Paul Reeve & Ardis Parshall eds. 2010)

*A Local Faith*, BRIGHAM YOUNG UNIVERSITY STUDIES 49/2 (Summer 2010) at 163

*Mordred had a Point*, DIALOGUE: A JOURNAL OF MORMON THOUGHT 43/1 (Spring 2010) at 201 (reviewing Gary Topping, *Leonard J. Arrington: A Historian's Life*) (solicited)

*'The Living Oracles': Legal Interpretation and Mormon Thought*, DIALOGUE: A JOURNAL OF MORMON THOUGHT, 42/2 (Summer 2009) at 1

*Truth, Doctrine, and Authority*, ELEMENT: THE JOURNAL OF THE SOCIETY FOR MORMON PHILOSOPHY AND THEOLOGY, 5/1 (Spring 2009) at 9

*Church of Jesus Christ of Latter-day Saints*, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 301 (David S. Tanenhaus et al eds. 2008)

*The Scholar as Celebrant*, DIALOGUE: A JOURNAL OF MORMON THOUGHT, 41/3 (Fall 2008) at 163 (reviewing Terryl Givens, *People of Paradox: A Cultural History of Mormonism*)

*Shylock and Article Nine of the U.C.C.*, in PERSPECTIVES ON THE UNIFORM COMMERCIAL CODE 106 (2d ed. Douglas E. Litowitz ed., 2007) (solicited)

*A Defense of the Authority of Church Doctrine*, DIALOGUE: A JOURNAL OF MORMON THOUGHT, 40/4 (Winter 2007) at 1

*Jurisprudence and the Problem of Church Doctrine*, ELEMENT: THE JOURNAL OF THE SOCIETY FOR MORMON PHILOSOPHY AND THEOLOGY, 2/2 (Fall 2006) at 1

*Secret Combinations: A Legal Analysis*, FARMS REVIEW, 16/1 (Spring 2004) at 49

*Review of Sarah Barringer Gordon, The Mormon Question*, BRIGHAM YOUNG UNIVERSITY STUDIES 41/3 (Fall 2002) at 71

*Out of Zion Shall Go Forth the Law*, FARMS REVIEW OF BOOKS 12/1 (2000) at 113 (reviewing Richard Collin Mangrum & Edwin Firmage, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900*)

Op-Ed Articles

*The Cost of Secrecy isn't Worth it for the LDS Church*, SALT LAKE TRIBUNE, Dec. 20, 2019

*Note to Trump: Know What You Call Muslims Who Reject Radical Islam? Refugees*, RICHMOND TIMES-DISPATCH, Feb. 2, 2017 (with Angela Banks)

*Utah Democrats, Please Cast an Effective Vote Against Trump*, DESERET NEWS, Nov. 8, 2016

*Gay Marriage Boycotts are Not Good for the Market Economy*, DESERET NEWS, April 8, 2014

*Christmas Services Offer Connection*, VIRGINIA PILOT, Dec. 22, 2013

*A Judge Weakened Utah's Anti-polygamy Law. What Does This Say About Sex, Race, and Religion?* RELIGION & POLITICS, Dec. 17, 2013

*Whatever Your Thoughts on Gay Marriage, Gay Divorce is a Concern*, DESERET NEWS, Feb. 22, 2013

*A Tax Hike both Conservatives and Liberals Should Like*, DESERET NEWS, Jan. 10, 2013

*Good Guys, Bad Guys, and Gun Control*, DESERET NEWS, Dec. 19, 2012

*Mitt Romney and the New Mormon Identity*, PATHEOS, Dec. 2, 2012

*Hiding State's Debt Doesn't Make it Less Real*, DESERET NEWS, Nov. 22, 2012

*GOP Tax Policy Should Ditch Keynes for Hayek*, DESERET NEWS, Sept. 21, 2012

*Without Compromise Fixing Debt a Fairy Tale*, DESERET NEWS, Aug. 29, 2012

*Chick-fil-A and the Problem of Soft Censorship*, DESERET NEWS, July 29, 2012

*Race, Folklore, and Mormon Doctrine*, DESERET NEWS, Mar. 2, 2012

*Higher Tax Rates Create More Stay-at-Home Moms*, DESERET NEWS, Feb. 31, 2012

*The Mormon Plot that Wasn't*, NEW YORK DAILY NEWS, Feb. 1, 2012

*Obama Keeps Fueling the Myth of Manufacturing*, DESERET NEWS, Jan. 27, 2012

*Do Corporations Have the Right to Free Speech*, DESERET NEWS, Jan. 13, 2012

*Lowe's Choice to Pull Sponsorship Cowardly*, DESERET NEWS, Dec. 16, 2011

*Is Small Business Better? It's a Complicated Question*, DESERET NEWS, Dec. 2, 2011

*U.S. Unique in Obsession with State and Religion*, DESERET NEWS, Nov. 18, 2011

*Occupiers are Benefiting from “Sweet Commerce”*, DESERET NEWS, Nov. 11, 2011

*Jeffress and the End of the Mormon Question?*, DESERET NEWS, Oct. 21, 2011

*Palin, the Dumbing Down of the American Conservatism*, DESERET NEWS, Oct. 7, 2011

*Government Subsidies Hamper Green Technology*, DESERET NEWS, Sept. 23, 2011

*Warren Jeffs and the Abandonment of Tradition*, DESERET NEWS, Aug. 14, 2011

*Burke Triumphs Over Jefferson in New York Same-Sex Marriage Decision*, DESERET NEWS, July 1, 2011

*LDS Church Walks a Tightrope on Public Policy*, PATHEOS, May 26, 2011

*In Israeli-Palestinian Conflict Could Commerce Foster Trust, Tolerance, and Peace*, DESERET NEWS, May 25, 2011

*The Arab World Needs Free Markets as Much as Democracy*, DESERET NEWS, Mar. 12, 2011

*Religion, Anti-discrimination, and the Decline of Labor Law*, DESERET NEWS, Feb. 26, 2011

*Romney and Huntsman: Two Answers to the Mormon Question*, DESERET NEWS, Feb. 5, 2011

*The End of the Great Fiscal Compromise*, DESERET NEWS, Jan. 8, 2011

*Glenn Beck Bad News for Religious Conservatism*, RICHMOND TIMES-DISPATCH, Dec. 30, 2010

*Our Clumsy System Best for Church and Market*, DESERET NEWS, Dec. 26, 2010

*Sharia Law Poses No Threat to American Courts*, DESERET NEWS, Dec. 19, 2010

*Prosperity Versus Equality at the Polls*, DESERET NEWS, Nov. 1, 2010

*Balanced Budget Amendment is Dangerous Gimmick, Not Solution*, DESERET NEWS, Sept. 19, 2010

*The Hidden Cost of Auto Bailouts*, WASH. TIMES, Aug. 10, 2010

(with Alan Meese) *The End of an Idea*, NATIONAL REVIEW ONLINE, July 5, 2010

*Why Conservatives Should Support Gay Marriage*, PATHEOS, July 7, 2009

*Mormonism’s Al Smith Moment?* SAN FRANCISCO CHRONICLE, Jan. 2, 2008 (reprinted in

*The Salt Lake Tribune)*

## **CLERKSHIP**

Hon. Morris Sheppard Arnold, U.S. Court of Appeals for the Eighth Circuit, 2003-2004

## **OTHER EMPLOYMENT**

Associate, Sidley Austin LLP, Washington, DC, 2004-2006

Legislative Correspondent & Acting Legislative Assistant, Senator Mitch McConnell, Washington, DC, 1999-2000

## **WORKING PROJECTS**

*Living Oracles: Law and the Latter-day Saint Tradition* (book project)

“Unjust Enrichment and the Puzzle of Virtuous Debt”

“Contractual Desuetude”

“Religion and the Legal Regulation of ‘Magic’ in Early America”

## **PRESENTATIONS**

Participant, Banff Capital Markets Roundtable, University of Calgary & Alberta Securities Commission, 2024

University of California, Berkley, Law School, Contract Theory Seminar, “Private Law After the Revolution: Respondent,” 2024

University of Virginia Law School, Faculty Workshop, “The Case for Specific Performance of Personal Service Contracts,” 2024

Wharton Business School & Harvard Law School, Corporate Restructuring and Insolvency Seminar, “Restructuring Ruritania: Bankruptcy, Sovereign Debt, and the Equity Receivership,” 2023

Faculty of Law, University of Calgary, Public Lecture, “Do Markets Encourage Morality? Why Contract Law is Just about Buying and Selling Stuff – and That’s Good,” 2023

University of Virginia Law School, Class Lecture, “Boilerplate,” 2023

Joseph Smith Papers Project, Conference, “The Challenges of Telling Joseph Smith’s Legal Stories,” 2023

Mormon History Association Annual Meeting, Rochester, New York, “The Rise and Fall of the Latter-day Saint Law of Marriage,” 2023

Utah State University, Mormon History Association Annual Meeting, “Time, Eternity and Real Estate: *Hilton v. Roylance*, Mormon Law in Secular Court, and the Opacity of Religion,” 2022

Utah State University, Mormon History Association Annual Meeting, “The Rise and Fall of the Latter-day Saint Judiciary,” 2022

Willamette College of Law, Faculty Workshop, “Intent to Create Legal Relations and the Nature of Contractual Consent,” 2022

Church History Department & Brigham Young University, Conference on Religious Freedom, “The Obligation to Obey the Law in Latter-day Saint Thought,” 2022

Brigham Young University, Philosophy Department, Philosophy & LDS Theology Workshop, “Natural Law and the LDS Tradition,” 2021

Mormon Scholars in the Humanities, Virtual Public Event, “Justice in Mormon Thought,” 2021

Brigham Young University, The Maxwell Institute for Religious Studies, “The History of the Church of Jesus Christ of Latter-day Saints as a Legal Entity,” 2021

William & Mary Law School, Workshop, “Regulating Religious Performance on the Commercial Stage,” 2020

McGill University, The Seymour David Steinman Memorial Lecture Series, Immigration, Minority Rights, & Religious Freedom in the United States and Canada, 2019

University of Virginia, Conference on Religion, Democracy & the Marketplace, “Regulating Religious Performance on the Commercial Stage,” 2019

Brigham Young University, The Maxwell Institute for Religious Studies, “Freedom and Equality in Mormon Thought,” 2019

Brigham Young University Law School, Works in Progress Workshop, “Salt, Smurthwait, and Smith: The Origins of the Legal Identity of the Church of Jesus Christ of Latter-day Saints,” 2019

Brigham Young University, Wheatley Institution, Faith in a Secular Age Conference, “The Language and Tradition of Our Fathers: Latter-day Saint Thoughts on Community and Identity,” 2019

Villanova Law School, Symposium on *Halakhah: The Rabbinic Idea of Law*, “Temple, Talmud, and Sacrament,” 2019

Brigham Young University Law School, Works in Progress Workshop, “The Obligation to Obey the Law in Mormon Thought,” 2018

Brigham Young University, The Maxwell Institute for Religious Studies, “Conscience in Mormon Thought,” 2018

University of Houston Law School, Works in Progress Workshop, “Beyond Gift and Bargain: Some Proposals for Increasing Kidney Donations,” 2018

Pepperdine Law School, Seminar on Private Law and Christianity, “Christianity’s Quarrel with Civil Recourse Theory,” 2018

American Enterprise Institute, Conference on Altruism, Community & Markets, “Beyond Gift and Bargain: Proposals for Increasing Kidney Donation by Fostering Trust in NEAD Chains,” 2017

Columbia Law School, Autonomy, Choice & Contract Conference, “Contract Law and the Liberalism of Fear,” 2017

Villanova Law School, The 2017 Joseph T. McCullen Jr. Symposium on Catholic Social Thought and Law, “Pope Francis and Diocletian’s Mistake,” 2017

The College of William & Mary, The Mormon Theology Seminar, “‘Betwixt Them and Justice’: War and Atonement in the Book of Mormon,” 2017

Duke Law School, Advanced Contracts Seminar, “The Dignity of Commerce,” 2017

Pepperdine Law School, Religious Perspectives on the Law Conference, “Christianity’s Quarrel with Civil Recourse Theory,” 2017

Southwestern Law School, KCONXII: Contracts Conference, “The Dignity of Commerce,” 2017

Bar Ilan University Faculty of Law, Religion and the Rule of Law Conference, “Commerce, Religion, and the Rule of Law,” 2016

Harvard Law School, Private Law Theory Workshop, “Reconsidering Contractual Consent: Why We Shouldn’t Worry Too Much about Boilerplate and Other Puzzles,” 2016

University of Virginia, Religious Studies & Mormon Studies Program, Panelist, “We the People of the Kingdom of God: The Mormon Alternative Political Order,” 2016

William & Mary Law School, Faculty Workshop, “*Doux Commerce*, Religion, and the Limits of Antidiscrimination Law,” 2016

Washington University, St. Louis Law School, Faculty Workshop, “*Doux Commerce*, Religion, and the Limits of Antidiscrimination Law,” 2016

Brigham Young University, Society for Mormon Philosophy & Theology, Annual Conference, “Nomos, Narrative, and Nephi: Legal Interpretation in the Book of Mormon,” 2015

University of Virginia, Faith & Knowledge Conference, “Concluding Remarks: *Angst* and *Thaumazo* in the Life of the Mind,” 2015

William & Mary Law School, William & Mary Private Law Theory Workshop, “Pernicious Markets and the Limits of Contract Law,” 2014

Willamette College of Law, Center for Religion, Law & Democracy, Religious Tribunals and the Law: Conciliation or Conflict?, “Legal Issues: Delegation, Recognition, and Enforcement,” 2014

Emory Law School, Center for the Study of Law and Religion, International Religious Legal Theory Conference, “International Legal Experience and the Mormon Theology of the State, 1945-2013,” 2014

William & Mary Law School, Blackstone Lecture, “Shakespeare and the Predicament of Contract Theory,” 2014

McGill University, North American Private Law Theory Workshop, “Shakespeare and the Predicament of Contract Theory,” 2013

International Consortium for Law and Religion Studies, Conference on Religion Democracy and Equality, Moderator, “Hate Speech, Hate Crimes, and Religious Minorities,” 2013

Loyola University New Orleans College of Law, J. Reuben Clark Society Faculty Conference, “The Case Against Law School,” 2013

King’s College London, Conference on Private Law and Morality, “A Theory of Civil Liability,” 2012

Georgetown University, Berkley Center for Religion, Peace & World Affairs, “Which Model? Whose Liberty? Differences Between European and American Models of Religious Freedom,” Panelist, “Religious Minorities and Religious Freedom: The Case of Muslims and Mormons,” 2012

Villanova Law School, Joseph T. McCullen, Jr. Symposium on Catholic Social Thought and the Law: The Moral Foundations of Private Law, “Markets as a Moral Foundation for Contract Law,” 2012

George Washington University Law School, Faculty Workshop, “Markets as a Moral Foundation for Contract Law,” 2012

Emory Law School, Faculty Workshop, “Markets as a Moral Foundation for Contract Law,” 2011

William & Mary Law School, Private Law Theory Workshop, “Markets as a Moral Foundation for Contract Law,” 2011

William & Mary Law School, Faculty Workshop, “Private Law and the Supreme Court,” 2011  
(with Jason Solomon)

Hebrew University Faculty of Law, Private Law Workshop, “The Honor of Private Law,” 2011

Hebrew University Faculty of Law, Symposium on Law and Behavioral Research, Commenter, 2011

Suffolk University Law School, Symposium on the 30<sup>th</sup> Anniversary of *Contract as Promise*, “Promise and Private Law,” 2011

Florida State University Law School, Symposium on Civil Recourse Theory, “Why There is No Duty to Pay Damages: Duties, Powers, and Private Law,” 2011

Southern Virginia University, Student Forum, “Mormons as Minorities,” 2010

William & Mary Law School, Faculty Workshop, “Litigation with Honor,” 2010

Wake Forest University Law School, Symposium on Contract Law and Context, “Bargaining in the Shadow of God’s Law: Context and Islamic *Mahr* Contracts,” 2010

Cornell Law School, Faculty Workshop, “Natural Law and the Rhetoric of Empire: *Reynolds v. United States*, Polygamy, and Imperialism,” 2010

University of Loyola-New Orleans Law School, J. Reuben Clark Society Faculty Conference, Panelist, “Mormonism and Legal Scholarship,” 2010

University of Richmond Law School, Virginia Junior Faculty Forum, “Bargaining in the Shadow of God’s Law: Context and Islamic *Mahr* Contracts,” 2009

De Paul University Law School, Faculty Workshop, “Contract, Consent, and Recourse,” 2009

Georgetown University Law Center, Contract and Promise Workshop, “Contract, Consent, and Recourse,” 2009

J. Reuben Clark Law School, Brigham Young University, Works in Progress Workshop, “Contract, Consent, and Recourse,” 2009

William & Mary Law School, Faculty Workshop, “Contract, Consent, and Recourse,” 2009

Wake Forest University Law School, Faculty Workshop, “A Preliminary Case for Specific Performance of Personal Service Contracts,” 2009

Liberty Fund, Annapolis, Maryland, Seminar Participant, “The History of the Lex Mercatoria” 2009

Harvard Law School, J. Reuben Clark Society National Conference, Panelist, “Religious Conscience and the Judicial Office,” 2009

University of Loyola-Chicago Law School, Faculty Workshop, “A Pragmatic Defense of Contract Law,” 2008

Georgetown University Law Center, Contract and Promise Workshop, “The Option Theory of Contract Reconsidered,” 2008

William & Mary Law School, Faculty Workshop, “A Brief and Pragmatic Defense of Contract Law,” 2008

George Mason University Law School, Institute for Humane Studies Workshop, “Specific Performance and the Thirteenth Amendment,” 2008

Mormon History Association, Annual Meeting, “Preaching to the Court House and Judging in the Temple,” 2008

Southern Virginia University, Conference on Interpretation: Latter-day Saint Perspectives, “‘The Living Oracles’: Legal Interpretation and Mormon Thought,” 2008

Boalt Hall Law School, Association for the Study of Law, Culture, and the Humanities, Panelist, “Instrumentalism and Justice in the Private Law,” 2008

Liberty Fund, Indianapolis, Indiana, Seminar Participant, “Law, Liberty, and Custom in James C. Carter,” 2008

Liberty Fund, Alexandria, Virginia, Seminar Participant, “Hayek and the Common Law,” 2007

William & Mary Law School, Virginia Junior Faculty Seminar, “Specific Performance and the Thirteenth Amendment,” 2007

American Bar Foundation, ABF/Chicago-Kent Legal History Colloquium, “Preaching in the Courthouse and Judging in the Temple,” 2007

American Society for Legal History, Annual Conference, “Preaching in the Courthouse and Judging in the Temple,” 2007

Georgetown University Law Center, Contract and Promise Workshop, “Economic Analysis and Contract Theory,” 2007

Brigham Young University, Faculty Center Seminar, “Preaching in the Courthouse and Judging in the Temple,” 2007

University of Richmond Law School, Faculty Workshop, “Preaching in the Courthouse and Judging in the Temple,” 2007

William & Mary Law School, Faculty Workshop, “Preaching in the Courthouse and Judging in the Temple,” 2007

Brigham Young University, Society for Mormon Philosophy & Theology, “Jurisprudence and the Problem of Church Doctrine,” 2007

Thomas Jefferson Law School, Faculty Workshop, “The Failure of Economic Explanations of Contract Damages,” 2006

Bill of Rights Institute, William & Mary Law School, Moderator, Panel on Contract Law, Symposium on Law & Morality, 2006

Minnesota Law School, Ohio State Law School, Marquette Law School, Wake Forest Law School, William & Mary Law School, University of Richmond Law School, Presentation to Faculty, “Corporations and Autonomy Theories of Contract,” 2006

Columbia Law School, J. Reuben Clark Society Law Students’ Conference, “On the Possibility of Mormon Legal Thought,” 2005

George Mason University Law School, Presentation to Faculty, “Roman Limbs and Dismembered Goats: Secured Credit at the Bar of Contract Theory,” 2004

Mormon History Association, Annual Meeting, “Polygamy, Positivism, and Natural Law,” 2003

George Mason University, Institute for Humane Studies, Legal Scholarship Conference, “Legislative History as a Property Right,” 2002

#### **SELECTED MEDIA INTERVIEWS**

*The Wall Street Journal*

*Newsweek*

*National Public Radio*

*The Boston Globe*

*The New York Daily News*

*The National Review*

*The Richmond Times-Dispatch*

*The Virginian-Pilot*

*The Virginia Gazette*

*The Deseret News*

*The Salt Lake Tribune*

#### **TEACHING EXPERIENCE**

Contracts – William & Mary Law School, Cornell Law School

Bankruptcy – William & Mary Law School, University of Richmond Law School

Business Associations – William & Mary Law School  
Sovereign Debt Seminar – William & Mary Law School  
Corporations – William & Mary Law School  
Restitution – William & Mary Law School  
Secured Transactions – William & Mary Law School, Cornell Law School, University of Richmond Law School  
Foundations of the Common Law – William & Mary Law School  
Contemporary Private Law Theory – Hebrew University  
Advanced Contract Law Theory – William & Mary Law School  
Roman Law Reading – William & Mary Law School (co-taught with Thomas McSweeney)  
Canon Law Reading – William & Mary Law School (co-taught with Thomas McSweeney)  
Advanced Readings in Political Economy – William & Mary Law School (co-taught with Alan Meese)  
Teaching Assistant, Contracts – Harvard Law School  
Teaching Assistant, American Government – Brigham Young University  
Teaching Assistant, Honors History of Civilization – Brigham Young University

#### **PROFESSIONAL SOCIETY MEMBERSHIPS**

American Law Institute  
American Bar Association  
American Society for Legal History  
Society for Political & Legal Philosophy  
Mormon History Association  
Society for Mormon Philosophy & Theology

#### **BAR ADMISSIONS**

Virginia and the District of Columbia (both inactive)  
U.S. Court of Appeals for the Eighth Circuit