

Brian Joseph Buckley

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Curriculum Vitae

Areas of Specialization (AOS)

Philosophy of Law • Political Philosophy • Applied Ethics

Areas of Competence (AOC)

History of Philosophy (especially Ancient and Medieval) • Ethical Theory

EDUCATION:

Ph.D. in Philosophy (with distinction), Loyola University Chicago (2011)

Dissertation: “Restoring the Balance: Setting Aside Naturalism in Favor of Personhood in Extreme Cases”

My dissertation is an attempt to answer a specific medical ethics question: Is an anencephalic child a person? To answer this, I relied on a non-empirical “human sciences” approach advocated by many philosophers, including Levinas and Charles Taylor. To show then that this approach is viable, I supported it with first person narratives of nurses and doctors as well as the use of creative medical scenarios. In this way, the dissertation attempts to provide a non-empirical theoretical account of personhood that explains well the ways caregivers already act. The dissertation is thus meant to answer an applied ethics question with a proposed theoretical solution, which is then demonstrated in the current behavior of caregivers with these children and other severely damaged individuals.

Dissertation Committee: David Ingram (Director), Jennifer Parks and Victoria Wike (Readers)

Juris Doctor, George Washington University (1994)

Major paper explored the political theory of Edmund Burke and the question of term limits

Master of Arts in Philosophy (4.0 GPA), Gonzaga University, (2006)

Thesis: “The Application of Communitarian Ethical Principles to a Bioethics Setting”;
Thesis Director: Tim Clancy

Master of Arts in Philosophy (Summa cum Laude, oral exam), Catholic University, (1998)

Thesis: “The Rehabilitation of Practical Philosophy: Phronesis in the Twentieth Century”;
Thesis Director: Ricardo Pozzo

Bachelor of Arts in Classical Studies, University of Washington (1997)

Bachelor of Arts in History, Seattle University (1991)

EMPLOYMENT:

Santa Clara University, Senior Lecturer (2017-Present)

Santa Clara University, Lecturer (2012-2017)(Reappointed 2015)

Santa Clara University, Academic Year Lecturer (2007-2012)(Reappointed 4 times)

Santa Clara University, Quarterly Part Time Lecturer (2007)

California State University Monterey Bay, Adjunct Lecturer (2007-2008)

Loyola University Chicago, Adjunct Lecturer (2005-2006)

Accompanied with year-long Teaching Internship

Seattle University, Adjunct Lecturer (2001-2004)

Nominated by students for Teacher of the Year Award (2002)

Law Clerk in Snohomish County Superior Court (2001-2004)

Worked daily with Judge David Hulbert. Engaged in legal research for the Court and advised the Court on decisions. Acted as facilitator between attorneys and the judge. Maintained the calendar for the Court and all correspondence with parties before the Court. Maintained safety and procedure in the courtroom. Jury facilitator during trials. Judge Hulbert adjudicated dissolutions, felonies, property cases, civil motions and others. As a superior court judge, he also made appellate decisions for district courts, municipal courts, and administrative courts.

Gonzaga University, Adjunct Lecturer (2000)

Medical Ethics Internship at Sacred Heart Medical Center, Spokane, Washington (2000)

Attended monthly Ethics Committee meetings at Sacred Heart and ethics meetings at Shriners' Hospital for Children and Eastern State Hospital. Attended seminars on aging and end-of-life issues. Held in-depth scheduled discussions with Intensive Care nurses, chaplains, transplant personnel, and the cytogeneticist for the hospital. Proposed research projects in conjunction with weekly discussions with Dr. James Shaw at the Providence Center for Faith and Healing. Attended meetings for implementation of hospital ethical standards.

GRANTS AND AWARDS:

(2015): John B. Drahnmann Advising Award, Santa Clara University

(2012): Hackworth Grant to facilitate further research into teaching approved new course "Ethics and Marginalized Persons," Santa Clara University

(2011): Philosophy Department Nominee for Arts and Sciences Dissertation Award, Loyola University Chicago

(2006): Winner, John F. Grant, MD Essay Competition for Students Studying Health Care Ethics, Loyola University Chicago

(2006): Excellence in Graduate Research Award, Loyola University Chicago

(1999-2000): Twohy Scholarship, Gonzaga University

(1997-1998): Louis Banner Scholarship, Catholic University of America

(1990-1991): President's List, Seattle University

COURSES TAUGHT AS PRINCIPAL INSTRUCTOR (107 CLASSES TOTAL):*

Legal/Political:

Social and Political Philosophy (LUC)

Thomas Aquinas on Justice and Law (SCU)(3)

Plato's *Republic* (SCU)

Charles Taylor's *Sources of the Self* (SCU)

Rawls' *A Theory of Justice* (SCU)

Philosophy of Law (SCU)(2)

Philosophy of Law—Culture and Ideas Sequence (SCU)(8)

Rule of Law—Culture and Ideas Sequence (SCU)(8)

Constitutional Law (non-philosophy course) (CSUMB)

Restorative Justice (non-philosophy course) (CSUMB)

Multicultural Conflict Resolution (non-philosophy course) (CSUMB)(2)

Applied Ethics:

Ethics and Criminal Justice (SU)(SCU)

Ethical Issues in the Law (SCU)(2)

Business Ethics (SU=5; SCU=10)(15)

Medical Ethics (LUC; SCU=6)(7)

Ethical Issues in Society (SCU)(12)

Ethics and Marginalized Persons (SCU)(3)

Punishment: Theory and Practice (SCU)

History of Philosophy:

Ancient and Medieval Philosophy (SCU)(6)

Early Modern Philosophy (SCU)(3)

The Ancient World—Culture and Ideas Sequence (SCU)(6)

The Medieval World—Culture and Ideas Sequence (SCU)(6)

Ethical Theory:

Introduction to Ethics (SU=1; LUC=1; SCU=7)(9)

Miscellaneous Courses:

Faith and Reason (SCU)

Ways of Knowing (CSUMB)

Knowledge and Reality (SCU)

Philosophy of Human Nature (GU=2; SU=1) (3)

Introduction to Philosophy (SCU)

*Abbreviations are: Santa Clara University (SCU); California State University Monterey Bay (CSUMB); Loyola University Chicago (LUC); Seattle University (SU); Gonzaga University (GU)

PUBLICATIONS:

Book Chapter:

“Returning to Redemption as a Theory for Justifying Punishment” in *In the Sphere of the Personal: New Perspectives in the Philosophy of Persons*, edited by James Beauregard and Simon Smith (Wilmington: Vernon Press, 2016), 195-212.

BOOK REVIEWS:

Review of *Action and Character according to Aristotle*, by Kevin Flannery, *Journal of Hellenic Studies*, (Summer, 2016)

RESEARCH IN PROGRESS:

Articles:

“Reconceptualizing the Rule of Law.” Paper addresses ambiguity present in the term “Rule of Law.” I argue this ambiguity not only runs counter to the ancient Socratic tradition of giving clear definitions where possible, but also may cloud recent attempts to promote the Rule of Law abroad—something vital toward alleviating global poverty. I assert that any definition of the Rule of Law must include the personal restraint of government actors. This personal restraint model extends beyond the typical constraint/structural model for the rule of law that addresses, for example, a separation of powers. I argue that these structures in fact only constrain when government actors first restrain their personal desires in favor of the law. I note that this is in accord with Plato and Aristotle’s ideal of law ruling through reason instead of passion and that that this definition is broad enough to include Magna Carta—something constraint models would have a distinct problem doing.

“Democracy and State Regulations of Abortion.” This paper is being co-written with my colleague Lawrence Nelson. Despite rather lofty language about the liberty of women and their right to an abortion, the Supreme Court allows states to impose significant restrictions on the practice of that right. These include waiting periods, parental consent for teenagers, ultrasounds, explanation of fetal development, and reading about abortion alternatives. But the Court has never properly explained the philosophical basis for a state’s option to do these things. We argue that the state’s option is based on the importance of voting as an act revealing the will of the voter on important moral issues. As such, two important rights are placed in tension—voting in a democracy and the woman’s ability to procure an abortion.

“Distinguishing the Common Good from the Greater Good.” In this paper, I first articulate a four-fold composition to the Common Good: individuals thriving in community, an identity of interest among individuals, the role of justice as a virtue, and a legal system that purposefully seeks the good of the community. This is then distinguished from Utilitarianism’s consequentialist aims of greatest aggregate amount of good among discrete individuals, with each counting as one. The importance in this distinction is shown by means of an applied ethics case of obese children, their parents, and Child Protective Services. Lastly, it is argued

that the differences in approach to the case indicate that the Common Good approach is better because it better serves the interests of the children and thus the community.

“Procedural Justice in Thomas Aquinas.” I assert that there is a procedural requirement in Aquinas’ section of the *Summa Theologiae* on Justice. The paper argues that Aquinas’ discussion of Justice describes a process akin to modern “due process” or “procedural justice.” For Aquinas, the Common Good cannot be achieved unless, consonant with the virtue of justice, each person gets his or her due. And that due requires a certain process. Examples include Aquinas’ discussion of judges, lawyers, witnesses, and parties to a trial.

“Reasserting Legal Justice in *Nicomachean Ethics V.*” Lawful justice is often ignored or given short shrift in comparison with the discussions of Distributive Justice, Commutative Justice, or Equity in Book V. I attempt here to shift attention back to Legal Justice and the legislator whose dual role in justice is architectonic: The legislator must craft laws that (1) encourage virtuous behavior within individuals, and (2) simultaneously direct such virtues toward others. This is, as Aquinas noted commenting on Book V, because justice “comprehends every virtue at the same time and is even the perfect virtue in a special way. The reason is that legal justice consists in the exercise of virtue having to do with another and is in agreement with every virtue prescribed by law” (*Commentary on NE*, 286).

PRESENTATIONS:

Ethics at Noon, Santa Clara University (2017)

Presented paper entitled, “The Rule of Law and Ethics: How Personal Restraint Promotes Freedom and Prevents Tyranny”

William J. Prior Mini-Conference, Santa Clara University (2017)

Presented paper entitled, “A Reconciliation of the Rule of Law: The Exercise of Personal Restraint”

Abortion Seminar, Santa Clara University Law School (2015)

Invited to teach a law school class for Professor Olbermann. Topic included legal and moral criticisms of a liberal abortion policy.

International Conference on Persons, Boston University (2015)

Presented paper entitled, “Returning to Redemption as a Theory of Punishment”

William J. Prior Mini-Conference, Santa Clara University (2015)

Presented paper entitled “Returning to Redemption as a Theory of Punishment”

Biomedical Ethics Faculty Group, Santa Clara University (2014)

Presented a dialogue on how to work past deep divisions on moral issues, especially abortion and medical insurance at a Catholic university

American Society for Bioethics and Humanities Conference, Atlanta (2013)

Co-Conducted a workshop entitled “The Status of Prenatal Humans in Law, Ethics, and Health Care: Person? Patient? Nothing?”

Thomas Aquinas: Teacher of Humanity Conference, University of St Thomas Houston (2013)

Presented the paper “Distinguishing the Common Good from the Greater Good in an Applied Ethics Case”

Medieval and Renaissance Studies Program Lecture, Santa Clara University (2013)

Presented Lecture “Thomas Aquinas on Justice and Law”; Followed by applied ethics discussion with students and professors

Ancient Philosophy Society Conference, University of San Francisco (2012)

Gave “Comment” on Paper “Aristotle and the Ethos of the Polis” and engaged in discussion

Philosophy Department Presentation, Gonzaga University (2012)

Presented paper on “Thomas Aquinas’ Procedural Justice”

Last Lecture, Santa Clara University (2011)

Voted by students to deliver a university-wide, hour-long lecture of my choice. The title was “Leaving A Wake of Kindness” and focused on Kindness as a virtue/habit. An hour of questions and answers followed.

Modern Perspectives Residential Learning Community, Santa Clara University (2011)

Delivered lecture entitled “The Virtue of Kindness” and took questions afterwards.

Modern Perspectives Residential Learning Community, Santa Clara University (2010)

Delivered lecture entitled “Personhood” and took questions afterwards.

Modern Perspectives Residential Learning Community, Santa Clara University (2010)

Delivered lecture entitled “Character Ethics” and took questions afterwards.

Santa Clara Philosophy Department, Santa Clara University (2009)

Presented paper “Questioning the Coherence of Maintaining Simultaneously First Order Moral Beliefs and a Second Order Metaethical Non-objectivism”

Bioethics Faculty Group, Santa Clara University (2008)

Presented research on bases for anencephalic personhood and took questions.

“Discourse, Democracy, Justice” Conference, Loyola University Chicago (2006)

Presented paper “Questioning the Stabilizing Nature of John Rawls’ Later Political Thought.”

Café Socrates* Presentations on Natural Law, Philosophy as a Profession, Frankl’s *Man’s Search for Meaning*, Punishment Theories, Vigilantism, and Law and Morality (2009-2017)

*Café Socrates is a weekly philosophical meeting with students and usually 2-3 professors on a particular topic. It lasts 2 hours in the early evening and is meant to be a free exchange/debate of ideas on a given or presented topic.

ADDITIONAL PROFESSIONAL DEVELOPMENT:

Review of Proposed Book *The Ethics of Abortion: An Impartial Introduction*, for Oxford University Press (2017)

Attended “Justice: Then and Now” Conference, American Catholic Philosophical Association, San Francisco (2016)

Review of “The Corporate University and Business Ethics Teaching” for the *Journal of Business Ethics Education* (2016)

Attended “Global Human Rights” Conference, Santa Clara University (2016)

Attended William J. Prior Mini-Conference, Santa Clara University (2016)

Judge, Regional Ethics Bowl, San Jose State University (2015)

Attended “In the Interest of Justice: Conviction Review Programs” Symposium, Santa Clara University (2015)

Attended International Conference on Persons, Boston University (2015)

Attended Northeast Association of Pre-Law Advisors Conference, Fordham University (2015)

Attended William J. Prior Mini-Conference, Santa Clara University (2015)

Attended “The Promise of Experimental Philosophy” Conference, Santa Clara University (2015)

Law School Admission Council—Bay Area Law School Forum, San Francisco (2014)

Review of Proposed Book on Punishment Theory and Practice in the United States for Routledge Publishing (2014)

Attended William J. Prior Mini-Conference, Santa Clara University (2014)

Attended “21st Century Virtue: Cultivating Character with New Technologies” Conference, Santa Clara University (2014)

Attended “Thomas Aquinas: Teacher of Humanity” Conference, University of St Thomas, Houston (2013)

Attended American Society for Bioethics and Humanities Conference, Atlanta (2013)

Attended Northeast Association of Pre-Law Advisers Conference, University of Pennsylvania (2013)

Attended American Philosophical Association Conference, University of San Francisco (2013)

Attended William J. Prior Mini-Conference, Santa Clara University (2013)

Attended Ancient Philosophy Society Conference, University of San Francisco (2012)

Attended “Kierkegaard: New Perspectives” Conference, Santa Clara University (2012)

Attended “Conflicts of Conscience in Health Care” Conference, Santa Clara University (2011)

Attended “The Philosophy of Socrates” Conference, Santa Clara University (2011)

Attended “The Philosophy of John Searle” Conference, Santa Clara University (2010)

Proofreader of entire first draft of David Ingram’s *Law: Key Concepts in Philosophy*, Loyola University Chicago (2006)

Attended “Discourse, Democracy, Justice” Conference, Loyola University Chicago (2006)
Moderated seminar on “Liberalism and the Common Good.”

Attended “Encounters with the Other” Conference, Loyola University Chicago (2005)
Moderated seminar on “Race, Culture, and Representation.” Discussions included ethnography, embodiment, and identity.

Continuing Legal Education, Washington State Bar Association (1999-2003)
Forty-five (45) hours, including: “Ethical Dilemmas for the Practicing Lawyer,” “Ethics, Professionalism, and Civility,” “Consumer Law Issues for Senior Clients,” “Domestic Violence: A Prosecutor’s Perspective”; Others included family law, real estate, ethics, and evidence.

ACADEMIC SERVICE AND PARTICIPATION AT SANTA CLARA UNIVERSITY:

Faculty Fellow, Markkula Center for Applied Ethics (2017-)

Orientation for New Faculty Teaching Panel (2017)

Ethics Center Scholar, Markkula Center for Applied Ethics (2017-)

Ethics Faculty Core Committee Member (2016-)

Director of Pre-Law Advising (2013-)

Coordinator of the Arts and Humanities Salon (2015-2016)

Director of Medieval and Renaissance Studies Program (2013-2015)(2016-2017)

Chair, Philosophy Curriculum Committee (2015-2016)

Member of Renewable Term Lecturer Search Committee (2017)

Member of Academic Year Lecturer Search Committee (2016)

Member of Fagothey Conference Committee (2015-2016)

Invited Member of Santa Clara Conversations Series (2014-2015)

Invited Member of Hackworth Grant Review Committee at Markkula Center for Applied Ethics (2014)(2017)

Mentor to AYAL Daniel Sportiello (2015-2016), Jeff Steele (2017-), and Madeline Cronin (2017-)

Creator/Moderator of Teaching Reading Group for Santa Clara Philosophy Department

Submitted and won approval of syllabus of “Civility and Democracy,” a new course fulfilling the Civic Engagement core requirement

Submitted and won approval of syllabus of “Ethics and Marginalized Persons,” a new course fulfilling both Ethics and Experiential Learning for Social Justice core requirements

Submitted and won approval of syllabus for two-quarter Culture and Ideas series on Philosophy of Law and The Rule of Law

Submitted and won approval of syllabus for two-quarter Culture and Ideas series on Ancient and Medieval Philosophy
Member of Perspectives, a group of university members addressing the needs of marginalized students
Member of Bioethics Faculty Group
Member of Pre-Law Council of Advisors (2009-2013)
Member of Ancient Philosophy Reading Group
Member of Sartre's Ethics Reading Group
Faculty Moderator of Santa Clara 4 Foster Care Club
Faculty Moderator for Broncos 4 Life Club
Faculty Moderator of Pre-Law Society
Judged Hackwork Fellowship Student Debate on Legalization of Marijuana
Attended over 25 Café Socrates meetings

SELECT GRADUATE COURSES COMPLETED (INCLUDING LEGAL THEORY COURSES):

Legal/Political:

Political Philosophy (Rawls' *Political Liberalism*)
Social and Political Philosophy (Frankfurt School)
Thomas Aquinas on Justice and Law
Social and Political Philosophy (Liberal/Communitarian Debate)
Hegel and Aristotle (*Philosophy of Right* and *The Politics*)
Jurisprudence (in law school)
Law and Economics (in law school)
Democracy, Equality, and Constitutionalism (in law school)
Ethical and Political Theory (audited at Northwestern University; Charles Taylor, instructor)

Applied Ethics:

Feminist Ethics
Environmental Ethics
Medical Ethics
Social Health Care Ethics
Clinical Health Care Ethics
World Poverty Ethics
Biomedical Ethics and the Law

History of Philosophy:

Opinion in Plato and Aristotle
Aristotle's Material Logic
Aristotle's *Metaphysics*
Aquinas on God
Early Modern Philosophy
Classical Rationalism
Hegel's *Phenomenology of Spirit*
Heidegger's *Being and Time*
20th Century Philosophy
Wittgenstein's *Tractatus*

Ethical Theory:

Kant's Critique of Practical Reason
Communitarian Ethics
Moral Relativism

LANGUAGES:

English (fluent)

Latin*, Greek*, German* (Research Languages)

(*indicates successful completion of research language competency exam)

PROFESSIONAL MEMBERSHIPS:

American Philosophical Association

American Society for Bioethics and Humanities

Ancient Philosophy Society

American Catholic Philosophical Association

Washington State Bar Association (1995-2003)