

Edward Stein

Cardozo School of Law
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Teaching Experience

Cardozo School of Law

Professor of Law 2005-present; Associate Professor, 2000- 2005; Co-Director, Family Law, Policy, & Bioethics Program, 2003-present

Yale University

Visiting Assistant Professor, 1996-97

Mount Holyoke College

Visiting Assistant Professor, 1995-96

New York University Law School

Adjunct Professor, 1994

New York University

Assistant Professor, 1992-95

Williams College

Visiting Instructor, 1991-92

Legal Experience

Counsel for Respondent Element K, *In re Claim of Newland*, No. 93396 (N.Y. App. Div., 3d Dep't 2003) (wrote appellate brief and administrative appeal board brief on remand)

Law Clerk for Judge Dolores Sloviter, Third Circuit Court of Appeals, 2001- 2002

Summer Associate, Davis, Polk, and Wardwell, 1999

Education

Yale Law School

J.D., 2000

Massachusetts Institute of Technology

Ph.D., philosophy, 1992

Williams College

B.A., philosophy, 1987, highest honors

Bar Admissions

New York; Third Circuit Court of Appeals

Books

The Mismeasure of Desire: The Science, Theory and Ethics of Sexual Orientation (Oxford University Press, 1999)

Without Good Reason: The Rationality Debate in Philosophy and Cognitive Science (Oxford University Press, 1996)

Forms of Desire: Sexual Orientation and the Social Constructionist Controversy (Routledge, 1992) (edited and wrote introductory and concluding chapters)

Chapters in Books

The Ethical, Legal, Social and Political Implications of Scientific Research on Sexual Orientation in Handbook of Lesbian, Gay, Bisexual and Transgender Health (Ilan Meyer and Mary Northridge, eds.) (forthcoming 2005)

The Gay Gene in Encyclopaedia of Sociology (George Ritzer, ed.) (forthcoming 2005)

Law, Sexual Orientation and Gender, in Handbook of Jurisprudence and Legal Philosophy 990 (Jules Coleman & Scott Shapiro, eds., Oxford University Press, 2002)

Sexual Orientation: Biological Influences, in International Encyclopedia of Social & Behavioral Sciences 13,995 (N. J. Smelser & Paul Bates, eds., Pergamon, 2002)

Evolution and Ethics, in The Encyclopedia of Cognitive Science 284 (Frank Keil & Robert Wilson, eds., MIT Press, 1999)

Queer Clones, in Clones and Clones: Facts and Fantasies about Human Cloning 95 (Martha Nussbaum & Cass Sunstein, eds., Norton, 1998) with William Eskridge

Chapters in Books (continued)

Essentialism and Constructionism about Sexual Orientation, in Philosophy of Biology 427

(Michael Ruse & David Hull, eds., Oxford Univ. Press, 1998)

- reprinted in Philosophy and Sex 383 (R. Baker, et al. eds., Prometheus, 3rd ed. 1998)

Scientific Research on Sexual Orientation, in The Encyclopedia of Applied Ethics 101 (Ruth Chadwick ed., Academic Press, vol. 4, 1997), with Udo Schüklenk & Jacinta Kerin

Evolutionary Epistemology, in A Companion to Epistemology 122 (Jonathan Dancy & Ernest Sosa, eds., Blackwell, 1993)

Getting Closer to the Truth: Realism and the Metaphysical and Epistemological

Ramifications of Evolutionary Epistemology, in Evolution, Cognition & Realism 119

(Nicholas Rescher, ed., Univ. Press of Amer., 1990)

Articles (selected)

Wide Reflective Equilibrium as an Answer to an Objection to Moral Heuristics [comment on Cass Sunstein, *Moral Heuristics*], Behavioral and Brain Sciences (forthcoming 2005)

Past and Present Proposed Amendments to the United States Constitution Regarding Marriage, 82 Washington University Law Quarterly 611 (2004)

- electronic version in Issues in Legal Scholarship (August 2004), available online at <http://www.bepress.com/ils/iss5/art1>

Introducing Lawrence v. Texas: Some Background and a Glimpse of the Future, 10 Cardozo Women's Law Journal 263 (2004)

Initial Thoughts on the Admissibility of Expert Testimony about Scientific Research on Eyewitness Identification, 2 Law, Probability and Risk 295 (2004)

Queers Anonymous: Lesbians, Gay Men, Free Speech, and Cyberspace, 38 Harvard Civil Rights-Civil Liberties Law Review 159 (2003)

Précis of The Mismeasure of Desire: The Science, Theory and Ethics of Sexual Orientation, 21 Law and Philosophy 305 (2002)

Reply to Martha Nussbaum and Ian Hacking, 21 Law and Philosophy 349 (2002)

Evaluating the Sex Discrimination Argument for Lesbian and Gay Rights, 49 UCLA Law Review 471 (2001)

- reprinted in 1 *The Dukeminier Awards: Best Sexual Orientation Law Review Articles of 2001*, 1-48 (2003)

Choosing the Sexual Orientation of Children, 12 Bioethics 1 (1998)

- reprinted *Same-Sex Cultures and Sexualities: An Anthropological Reader*, 177 (Jennifer Robertson, ed. 2005)

The Ethics of Genetic Research on Sexual Orientation, 27 Hastings Center Report 6 (July-August 1997), with Udo Schüklenk, William Byne & Jacinta Kerin

- reprinted in Introduction to Women's Studies: Gender in a Transnational World 48 (I. Grewal & C. Kaplan, eds., McGraw-Hill, 2001)

- reprinted in Ethical Issues in Modern Medicine 522 (J. D. Arras & Bonnie Steinbock, eds., 5th ed., Mayfield, 1998)

Ethical Implications of Medical and Biological Research on the Causes of Sexual Orientation, 5 Health Care Analysis 136 (1997), with William Byne

The Relevance of Scientific Research about Sexual Orientation to Lesbian and Gay Rights, 27 Journal of Homosexuality 269 (1994)

- reprinted in Sexuality, Gender and the Law 219 (William Eskridge & Nan Hunter, eds., Foundation Press, 1997)

- reprinted in Same Sex: Debating the Ethics, Science and Culture of Homosexuality 135 (John Corvino, ed., Rowman & Littlefield, 1997)

Articles (continued)

- Can We Be Justified in Believing That Humans Are Rational?*, 62 Philosophy and Phenomenological Research 545 (1997)
- Rationality and Reflective Equilibrium*, 99 Synthese 137 (1994)
- Cordoning Competence: A Reply to Cohen*, 99 Synthese 177 (1994)
- Why Sexuality Matters to Philosophy*, 25 Metaphilosophy 233 (1994)
- The Relevance of Sexuality to Philosophy*, 67 Proceedings of the American Philosophical Association 81 (1994), with Morris Kaplan
- Evidence for Queer Genes*, 1 GLQ: The Journal of Gay and Lesbian Studies 93 (1993)
- God, the Demon & the Status of Theodicies*, 27 American Philosophical Quarterly 163 (1990)
- Where Guesses Come From: Evolutionary Epistemology and the Anomaly of Guided Variation*, 4 Biology and Philosophy 33 (1989), with Peter Lipton

Works in Progress

- The Story of Goodridge v. Department of Public Health*, in Family Law Stories (Carol Sanger, ed.) (in progress) (forthcoming 2006)
- The Second Life of the Uniform Marriage Evasion Act* (in progress)

Reviews (selected)

- Review of Henry Minton, *Departing from Deviance: A History of Homosexual Rights and Emancipatory Science in America*, 7 Sexualities 250 (2004)
- Science and the Nuremberg Code: A Question of Ethics and Harm* [Review of Robert Spitzer, *Can Some Gay Men and Lesbians Change Their Sexual Orientations?*], 32 Archives of Sexual Behavior 455 (2003), with Milton Wainberg, et al.
- Review of Allen Buchanan, et al., *From Choice to Chance: Genetics and Justice*, 111 Philosophical Review 130 (2002)
- Review of Stephen O. Murray and Will Roscoe, eds., *Islamic Homosexualities: Culture, History, and Literature*, 30 Archives of Sexual Behavior 445 (2001)
- Review of Roger Brown, *Against My Better Judgment: An Intimate Memoir of an Eminent Gay Psychologist*, 29 Archives of Sexual Behavior 291 (2000)
- Review of Simon LeVay, *Queer Science: The Use and Abuse of Research on Homosexuality*, 35 Journal of Homosexuality 107 (1997)
- Review of Andrew Sullivan, *Virtually Normal: An Argument about Homosexuality*, 3 Constellations: An International Journal of Critical & Democratic Theory 261 (1996), with Morris Kaplan
- Reasoning Why?* [Review of Michael Ruse, *Homosexuality: A Philosophical Inquiry*], 60 American Scholar 315 (1991) with Paul Bloom

Invited Lectures (selected)

- Scientific Research on Sexual Orientation*, Union College, May 12, 2005
- Federalism and Federal Marriage Amendments*, Same Sex Marriage Conference, Yale Law School, March 7, 2005
- Past and Present Proposed Amendments to the United States Constitution Regarding Marriage*, Hofstra Law School, Oct. 28, 2004
- Same-Sex Marriages and Civil Unions: The Changing Legal Landscape*, New York State Judicial Institute, Sept. 13, 2004
- Same-Sex Marriages and the Ramifications Under New York Law*, Nanette Dembitz Lecture, New York County Lawyers Association, June 26, 2004
- The 21st Century Family*, New York Chapter of Hadassah Attorneys' Council, Mar. 3, 2004

Invited Lectures (continued)

- The Legal Situation of Lesbians and Gay Men in the U.S.*, Haverford College, Oct. 30, 2003
- Roundtable Discussion on Lawrence v. Texas*, Federalist Society and the American Constitution Society, Cardozo School of Law, Oct. 29, 2003
- Bad Law?: The Case of Lawrence v. Texas*, Center for Lesbian and Gay Studies, City University of New York, Graduate Center, Oct. 16, 2003
- Lawrence v. Texas and the Future of Lesbian and Gay Rights in the United States*, Hartwick College, May 15, 2003
- Queers Anonymous: Lesbians, Gay Men, Free Speech, and Cyberspace*, UCLA Law School, Nov. 15, 2002
- Sex, Sexual Orientation, and the Law in the 21st Century*, Vassar College, Mar. 25, 2002
- The Sex-Discrimination Argument for Lesbian and Gay Rights*, Harvard Law School; University of Chicago Law School; Arizona State Univ. Law School (2000-2001)
- Choosing the Sex and the Sexual Orientation of Children*, New York University, Society for Philosophy & Public Affairs, Oct. 20, 2000
- Symposium on the Ethical, Legal, and Social Issues of Human Genome Research*, Dartmouth College, Ethics Institute, June 27, 2000
- Panel on *The Mismeasure of Desire*, New School for Social Research, Mar. 30, 2000
- Panel, *Scientific Theories of Sexual Orientation*, CUNY, Mar. 23, 2000
- The "Born that Way" Argument for Gay Rights*, Univ. of Chicago Law School, Nov. 22, 1999
- The Science, Theory & Ethics of Sexual Orientation*, SUNY-Purchase; University of Calif.-Santa Cruz; UCLA; Northwestern University; Boston Public Library (1999-2000)
- Natural Human Kinds in Theory and Practice*, University of Vermont, Sept. 25, 1998
- Evolutionary Constraints on Human Rationality*, Wellesley College, Mar. 2, 1998
- Rationality Naturalized*, Smith College, Feb. 20, 1998
- Human Rationality and Naturalized Epistemology*, University of Connecticut, Oct. 24, 1996
- Scientific Research on Sexual Orientation and Its Ethical Implications*, Wellesley College, Mar. 4, 1996; Yale Univ., Feb. 15, 1996
- How to Choose a Sexual Orientation*, Smith College, Nov. 12, 1996; Williams College, Apr. 4, 1995; American Philosophical Association Conference, Boston, Dec. 30, 1994
- The Categories, the Science, and the Moral Status of Sexual Orientations*, American Philosophical Association Conference, San Francisco, Mar. 25, 1993
- Rationality and Reflective Equilibrium*, Cambridge Univ., England, Apr. 23, 1992; Society for Philosophy & Psychology, San Francisco State University, June 11, 1991
- Beyond Essentialism*, Utrecht Univ., The Netherlands, Apr. 3, 1992; Columbia University, Nov. 7, 1991; University of Michigan, Oct. 5, 1991
- 'Natural' and 'Unnatural' Kinds*, Cornell University, Feb. 22, 1991
- Nativism, Natural Selection, and Meta-ethics*, Vassar College, Jan. 25, 1991; Williams College, Jan. 15, 1991

Talks at Conferences and Symposium (selected)

- "Constitutional Amendments Regarding Marriage," International Lesbian and Gay Law Conference, Toronto, CA, June 28, 2005
- "The Relationship Between Queer Law and Queer Theory," Queer Matters Conference, Kings College, London, England, May 29, 2004
- "Proposed Amendments to the United States Constitution Concerning Marriage," Law, Culture and Humanities Conference, University of Conn. Law School, March 12, 2004
- "Admissibility of Expert Testimony on Research on Eyewitness Identification," Inference, Culture, & Ordinary Thinking, Cardozo School of Law, April 29, 2003

Talks at Conferences and Symposium (continued)

"*Lawrence v. Texas*: The U.S. Supreme Court Reconsiders the Constitutionality of Sodomy Laws", Cardozo School of Law, Mar. 4, 2003 (organizer, moderator and commentator)
 "Queers Anonymous: Lesbians, Gay Men, Free Speech and Cyberspace," Law, Culture and Humanities Conference, University of Pennsylvania, Mar. 9, 2002
 "Evaluating the Sex-Discrimination Argument for Gay Rights," Women and the United States Constitution, Baruch College, CUNY, Feb. 9, 2001
 "Author Meets Critics: *The Mismeasure of Desire*," American Philosophical Association Conference, New York, Dec. 28, 2000
 "Essentialism and Natural Human Kinds," University of California-Riverside, Mar. 27, 1999
 "Seeing Sexual Orientation Through the Lens of Gender," American Philosophical Association Conference, Dec. 29, 1998
Sexual Orientation: Scientific, Ethical, Legal, and Theoretical Questions, Babes-Bolyai University, Cluj, Romania, Oct. 17, 1997
Choosing Sexual Orientation of Children, American Philosophical Association Conference, Seattle, Apr. 5, 1996
Deciphering Constructionism about Homosexuality, American Philosophical Assoc. Conf.; New Orleans, Apr. 28, 1990; Conf. on Human Sexuality, Brown Univ., Sept. 23, 1989
Getting Closer to the Truth: Realism and the Metaphysical and Epistemological Ramifications of Evolutionary Epistemology, Philosophy of Science Conf., Univ. of Pittsburgh, Dec. 18, 1988

Honors

Dukeminier Award, Best Sexual Orientation Law Review Article, 2001, UCLA Law School
 Fund for Lesbian and Gay Studies, Yale University: Research Fellowship, 1999; Teaching Fellowship, 1996-97
 Faculty Research Fellowship, College of Arts and Science, New York University (3 years)
 University Curricular Challenge Grant, New York University, 1994-95
 Sloan Prize for Essay in Philosophy of Science, M.I.T, 1990
 Mellon Fellowship for Graduate Study in the Humanities, 1987-1991
 Henry Rutgers Conger Memorial Writing Prize, Williams College, 1987
 Arthur B. Graves Essay Prize for Philosophy, Williams College, 1987
 Phi Beta Kappa, 1987
 John W. Miller Prize in Philosophy, Williams College, 1986

Professional Activities

Reviewer Cornell Univ. Press, Oxford Univ. Press (US & UK), Columbia Univ. Press, Univ. of Chicago Press, Routledge (US & UK), Westwood, *Archives of Sexual Behavior*, *Reader's Guide to Gay and Lesbian Studies*
 Referee for *Behavioral and Brain Sciences*, *Legal Theory*, *GLQ*, *Sexualities*, Canadian Philosophical Association, Society for Philosophy and Psychology, *The Encyclopedia of Applied Ethics*, *Hypatia: A Journal of Feminist Philosophy*, *Philosophy and Phenomenological Research*, *Biology and Philosophy*, *Signs*, *Journal of Homosexuality*, North American Lesbian, Gay and Bisexual Studies Conference, CUNY Research Awards Program
 Editorial board of *Journal of Homosexuality* (1997-present)
 Advisor (applied ethics), Program Committee, Amer. Philosophical Ass'n (1998-2002)
 Member, Amer. Philosophical Ass'n, Committee on Lesbian, Gay, Bisexual & Transgender Issues (1998-1999)

University Service

Co-director, Program in Family Law, Policy and Bioethics (2003-present)

Faculty advisor, *Cardozo Women's Law Journal* (2003-present)
Faculty advisor, Gay and Lesbian Law Students Association (2002-present)
Faculty advisor, Asian Pacific American Law Students Association (2004-present)
Appointments Committee, Cardozo School of Law (2002-2003)
Clerkship Committee, Cardozo School of Law (2000-2001, 2002-present)
Chair, Scientific Research on Sexual Orientation and Its Implications, Institute for Social & Policy Studies, Yale University (1996-97)
Co-chair, NYU Humanities Research Colloquium on Gay and Lesbian Studies (1993-95)
Member, NYU Gender Studies Committee for M.A. in Liberal Studies (1993-94)
Member, NYU Women's Studies Advisory Board (1992-94)
Chair, Mellon Fellowships in Humanities Conference on Teaching, Bryn Mawr College (1989)
Ph.D dissertation committee member (NYU- 1; Yale -1)
M.A. thesis advisor (NYU- 2) and committee member (NYU- 5)
B.A. thesis advisor (Williams- 2, Mt. Holyoke- 1) and committee member (Williams-5, NYU- 1, Mt. Holyoke-1, Yale- 1)

Professional Memberships

American Bar Association
American Philosophical Association
Association of the Bar of the City of New York
National Lesbian and Gay Law Association
Lesbian and Gay Law Association of Greater New York