

GREGG P. STRAUSS

UNIVERSITY OF VIRGINIA SCHOOL OF LAW
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ACADEMIC APPOINTMENTS

University of Virginia School of Law
Associate Professor, 2015 to present

Duke University School of Law
Visiting Assistant Professor, 2013-2015

EDUCATION

University of Illinois, Urbana-Champaign

Ph.D. in Philosophy, May 2013

Dissertation Title: “Basic Rights and Disagreement: Is persistent disagreement about basic rights a reason to specify rights by democratic procedures?” ([UIUC Library](#))

University of Illinois, Urbana-Champaign

J.D., May 2010

summa cum laude (3rd in class)

Order of the Coif

Emory University

B.A. in Philosophy, May 2004

summa cum laude

Phi Beta Kappa

PUBLICATIONS

Why the State Cannot “Abolish Marriage”, 90 INDIANA L.J. 1261 (2015) ([SSRN](#)).

The law cannot avoid relying on status norms, because tort, contract and restitution tailor rights to relationships. Because personal relationships involve “imperfect duties” that allow individuals to choose how to act, private law can enforce these duties only by replacing their choices with status norms. In contrast, marriage can offer discretion and legal protection, by combining deferred rights and equitable remedies.

Is Polygamy Inherently Unequal?, 122 ETHICS 516 (2012) ([SSRN](#)).

Traditional polygamy, in which only one central spouse can marry multiple partners, is necessarily unequal in two ways: the central spouse has greater rights within each marriage and greater control over the wider family. Two alternative forms can be egalitarian, at least in principle. In poly-fidelity, each spouse marries every other. In molecular polygamy, any spouse may marry outside the family.

WORKS IN PROGRESS

The Legal Regulation of Polygamy

Polygamy is the next front in the marriage battles. This paper is a comprehensive normative analysis of polygamy law, combining legal and philosophical analysis of marital status and intimate rights with empirical analysis of polygamy’s alleged harm to women, children, and society.

An Argument for a Positive Right to Marry

Contrary to the prevailing view that the right to marry is a right of equal access, it is a positive right—a power right to create intimate legal rights. Using Kantian private law theory, this paper argues relationship duties create unilateral authority that can only be reconciled with formal equality by a right to marry.

Interpreting Public Reason by Taking “Can Accept” Seriously

Liberal legitimacy requires the state to justify laws using public reason, yet public reason remains ill-defined. The standard formula of “reasons all can accept” relies on an ambiguous modal claim. Using possible worlds semantics, this paper distinguishes five senses of possible acceptance, explains how each interacts with universalization, and argues that four of the five fail to take citizens’ beliefs seriously.

Conceptualizing Liberal Legitimacy

Normative legal writing underestimates the contested nature of legitimacy. After delineating four conceptions of legitimacy (sociological, democratic, consent and acceptance), this paper develops a theory of “reasonable acceptance” that avoids the common charge that it reduces legitimacy to minimal justice.

ACADEMIC PAPER PRESENTATIONS

Imperfect Juridical Duties

- North American Kant Society, Eastern Study Group, Georgetown University (April 2015)

A Positive Right to Marry

- Henry Krause Emerging Family Law Scholars Workshop, University of Illinois (January 2015)

Liberal Legitimacy is Distinct from Minimal Justice

- MANCEPT 2014, Workshop on Conceptualizing Legitimacy, University of Manchester (Sept. 2014)

Rightful Private Marriages Require Public Authority

- MANCEPT 2014, Workshop on Public and Private Morality, University of Manchester (Sept. 2014)

Why the State Cannot “Abolish Marriage”

- Duke Faculty Workshop (May 2014)
- North Carolina Central Caroline Junior Scholars Series (April 2014)
- Duke-UNC Junior Faculty Workshop (March 2014)

Saving “Stability for the Right Reasons” from Rawls—Drop Overlapping Consensus

- Intermountain Philosophy Graduate Conference, University of Utah (2011)

Can Polygamy Be Egalitarian?

- 4th Annual Northwestern Society for Ethical Theory (2010)
- New Mexico-West Texas Philosophical Society, Abilene Christian (2010)
- John Stuart Mill Memorial Philosophy Conference, Eastern Illinois University (2010)

AWARDS

- List of Teachers Ranked as Excellent – University of Illinois, Intro to Philosophy of Law (Spring 2011)
- Quarter-Time Fellowship – University of Illinois Department of Philosophy (2005, 2006, 2008)
- Harker Prize – University of Illinois Law School, highest first year grade point average (tied)
- CALI Award (highest grade in section): Torts, Property, Criminal Law, Causation, Theories of Areas of Law, Political Philosophy

TEACHING EXPERIENCE

Duke University School of Law

Visiting Assistant Professor: Jurisprudence (S 2014)
Family Law (S 2015)

University of Illinois, Urbana-Champaign

Independent Instructor: Intro to Philosophy of Law (S 2011) (Teachers Ranked as Excellent)
Intro to Ethics (F 2009, S 2010)

Teaching Assistant: Biomedical Ethics (J. Wallace, S 2008, F 2006);
Intro to Ethics (J. Steinberg, F 2004, S 2009)
Intro to Philosophy (W. Neely, S 2005)

Grading Assistant: Justice (H. Hurd, F 2008)
19th Century Continental Philosophy (R. Schacht, F 2005)

BAR ADMISSION

Illinois Bar Association (2011)

PROFESSIONAL MEMBERSHIPS

American Bar Association
American Philosophical Association
American Society for Political and Legal Philosophy
Law & Society Association

OTHER LEGAL EXPERIENCE

The Honorable William M. Conley and the Honorable Barbara B. Crabb
United States District Court for the Western District of Wisconsin, 2011-2013
Law Clerk, 2011-2013

Land of Lincoln Legal Assistance Foundation
Volunteer Attorney, quarter-time, 2010-2011

Winston and Strawn, LLC
Summer Associate, Summer 2008

The Honorable Ann Claire Williams, U.S. Court of Appeals for the Seventh Circuit
Summer Intern, Summer 2007

The Honorable Marvin E. Aspen, U.S. District Court for the Northern District of Illinois
Summer Intern, Summer 2007