

JACOB BRONSTHER

(240) 543-3192 • jbronsther@law.msu.edu

ACADEMIC APPOINTMENTS

MICHIGAN STATE UNIVERSITY COLLEGE OF LAW, East Lansing, MI
Assistant Professor of Law, August 2021–

HARVARD LAW SCHOOL, Cambridge, MA
Climenko Fellow & Lecturer on Law, July 2018–July 2021

FULBRIGHT SCHOLARSHIP, Mauritius
Fulbright Fellow, September 2005–August 2006

RESEARCH AND TEACHING INTERESTS

Criminal Law • Torts • Law & Philosophy • Criminal Procedure • Constitutional Law

EDUCATION

LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE, London, UK
Ph.D. in Law (Criminal Law Theory), October 2018

Dissertation: *Long-Term Incarceration and the Moral Limits of Punishment*

Supervisors: Professors Nicola Lacey and Peter Ramsay

Examiners: Professors Lindsay Farmer and Victor Tadros

Awards: LSE Law Department Studentship (merit-based funding)
Modern Law Review – Mike Redmayne Scholarship (awarded to the best candidate in the fields of Criminal Law and Evidence)

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY
J.D., May 2011

Awards: John Bruce Moore Award (for “excellence in the area of law and philosophy”)

OXFORD UNIVERSITY, Balliol College, Oxford, UK
M.Phil. in Politics: Political Theory, June 2008

Dissertation: *The Value Structure of Radical Islamism:*

An Ideological Analysis of Sayyid Qutb and Sayyid Abul A’la Mawdudi

Awards: Department of Politics and International Relations Studentship (merit-based funding)

CORNELL UNIVERSITY, College of Arts and Sciences, Ithaca, NY

B.A. in Philosophy, Government (double major), with Honors and Distinction in All Subjects, May 2005

Activities: President of the Cornell Political Coalition

Awards: Meinig Family Cornell National Scholar (1 of 50 selected in the Class of 2005)

PUBLICATIONS

Is Death Different?

110 CORNELL LAW REVIEW (forthcoming 2024)

Byproducts, Side-Effects, and the Law of War

17 CRIMINAL LAW & PHILOSOPHY 735 (2023) (peer reviewed)

Carbon Time Machine

45 THE WASHINGTON QUARTERLY 27 (2023) (faculty-edited foreign policy journal)

Optional Legislation

107 MINNESOTA LAW REVIEW 297 (2022) (with Guha Krishnamurthi)

- Discussed in *The Washington Post*

Nonfatal Death Sentences

75 OKLAHOMA LAW REVIEW 7 (2022) (invited contribution, symposium on “Ending Mass Incarceration: Philosophy, Practice, and Policy”)

The Corrective Justice Theory of Punishment

107 VIRGINIA LAW REVIEW 227 (2021)

The Iron Rule

42 CARDOZO LAW REVIEW 2889 (2021) (with Guha Krishnamurthi) (special issue on Supreme Court nomination of then-Judge Amy Coney Barrett)

Editor

Special Issue: New Topics in Sentencing Theory, 24 NEW CRIMINAL LAW REVIEW 271 (2021)

Editor’s Introduction: New Topics in Sentencing Theory

24 NEW CRIMINAL LAW REVIEW 271 (2021)

The Limits of Retributivism

24 NEW CRIMINAL LAW REVIEW 301 (2021)

Long-Term Incarceration and the Moral Limits of Punishment

41 CARDOZO LAW REVIEW 2369 (2020)

- Selected for the 2019 Law & Humanities Junior Scholars Workshop

Vague Comparisons and Proportional Sentencing

25 LEGAL THEORY 26 (2019) (peer reviewed)

Torture and Respect

109 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 423 (2019)

Stay the Hand of Justice? Evaluating Claims that War Crimes Trials Do More Harm than Good

146 DAEDALUS: JOURNAL OF THE AMERICAN ACADEMY OF ARTS AND SCIENCES 83 (2017) (with Mark Martins)

WORK IN PROGRESS

A Debt to Society (draft available)

The Double Doctrine of Double Effect (with Patrick Tomlin) (draft available)

The Virtues of Optional Legislation (with Guha Krishnamurthi) (draft available)

Consociationalism in America (with Glen Staszewski)

INCARCERATION AND HUMAN VALUE (book proposal and manuscript based on my Ph.D. thesis)

LEGAL EXPERIENCE

KRAMER LEVIN NAFTALIS & FRANKEL LLP, New York, NY

Litigation Associate, White Collar Defense and Investigations, September 2011–September 2014

Defended Rajat Gupta, former McKinsey and Goldman Sachs executive, against insider trading charges, among other white collar, litigation, and *pro bono* matters.

TEACHING EXPERIENCE

Criminal Law, Michigan State University College of Law, Spring 2022, Spring 2023, Spring 2024

Topics in Criminal Law: Theories of Punishment, Michigan State University College of Law, Fall 2021, Spring 2023, Spring 2024

Torts, Michigan State University College of Law, Fall 2022, Fall 2023

Repairing Wrongs: Crimes and Torts, Harvard Law School, Spring 2020, Spring 2021

Legal Research and Writing, Harvard Law School, 2018–19, 2019–20, 2020–21 (full-year course)

Criminal Law, Class Teacher, LSE Law Department, 2015–16, 2016–17 (full-year course)

- Nominated for LSE Student-Led Teaching Award

OTHER EXPERIENCE

THE PUBLIC PHILSOSOPHER (ThePublicPhilosopher.com), New York, NY

Founding Editor and Contributor, August 2008–January 2011

Contributed to and co-edited a site that unpacked the moral and philosophical issues lurking beneath public policy debates. Recruited a team of nine writers.

INSTITUTE FOR DEFENSE ANALYSES, Alexandria, VA

Researcher, Joint Advanced Warfighting Division, Summer 2009

Researched and wrote papers on Islamist ideology and U.S. public diplomacy for the Defense Department's Terrorist Perspectives Project. Created novel course material for the Sherman Kent School for Intelligence Analysis, CIA University.

FULBRIGHT SCHOLARSHIP, Mauritius

Fulbright Fellow, September 2005–August 2006

Explored the relationship between Islam and democracy, using Mauritius’s multicultural democracy as a test case. Interviewed over 80 religious and political leaders in and outside the Muslim community. Organized and led a team of 15 University of Mauritius students in the collection of 600 surveys from a random sample of Mauritian Muslims.

FREDERIC CONGER WOOD FELLOWSHIP, London, UK and Cornell University

Fellow, November 2003–May 2005

Researched the domestic influences of British foreign policy toward Muslim countries.

UNITED STATES EMBASSY TO IRELAND, Dublin, IE

Intern, Political-Economic Section, Summer 2003

Served as the State Department reporter and analyst for the trial of Michael McKevitt, leader of the “Real IRA.” Negotiated successfully for a U.S. historian in a dispute with the Irish government over salvage rights to the Lusitania, the historic WWI ship. Represented the Embassy in an in-depth assessment of the International Fund for Ireland.

EXPORT-IMPORT BANK OF THE UNITED STATES, Washington, D.C.

Intern, Summer 2002

CONGRESSMAN JOSEPH CROWLEY (D-NY), Washington, D.C.

Staff Assistant, Summers 2000, 2001

PRESENTATIONS

“The Virtues of Optional Legislation” (with Guha Krishnamurthi)

- 14th Annual Constitutional Law Colloquium, Loyola U. Chicago School of Law, Nov. 10, 2023

“A Debt to Society”

- Workshop on Deterrence, Stockholm University, Stockholm Centre for the Ethics of War and Peace, Bled, Slovenia, June 20, 2023
- Criminal Law Conference, Notre Dame Law School, Kylemore Abbey Global Centre, County Galway, Ireland, May 5, 2023
- Faculty Workshop, Michigan State University College of Law, April 26, 2023
- Faculty Workshop, University of Kansas School of Law, February 7, 2023
- Chicago Criminal Law Theory Workshop, Northwestern School of Law, November 4, 2022

“Is Death Different? Incarceration and the Eighth Amendment”

- Chicagoland Junior Scholars Conference, Loyola U. Chicago School of Law, October 6, 2023
- Decarceration Law Professors: Virtual Work in Progress Workshop, July 5, 2023
- ABA-AALS-Academy for Justice Workshop, December 2, 2022
- Chicagoland Junior Scholars Conference, Loyola U. Chicago School of Law, Sept. 30, 2022
- Faculty Research Roundtable, Michigan State University College of Law, September 9, 2022
- Junior Scholars Legal Research Workshop, June 16, 2022

“The Limits of Retributivism”

- Virtual Workshop on Criminal Law Theory, January 28, 2022

“Optional Legislation” (with Guha Krishnamurthi)

- National Conference of Constitutional Law Scholars, University of Arizona College of Law, William H. Rehnquist Center, February 19, 2022
- Maryland Carey Law Virtual Constitutional Law & Economics Workshop, January 10, 2022
- Faculty Workshop, Michigan State University College of Law, October 27, 2021
- Chicagoland Junior Scholars Conference, Loyola U. Chicago School of Law, October 1, 2021
- Climenko Workshop, Harvard Law School, April 20, 2021

“The Corrective Justice Theory of Punishment”

- Scholarship Clinic, NYU Law School, September 14, 2020
- Northern Illinois University Criminal Law Seminar, June 18, 2020
- Virtual Workshop on Criminal Law Theory, May 1, 2020

- CrimFest, Brooklyn Law School, July 15, 2019
- Climenko Workshop, Harvard Law School, July 10, 2019

“Long-Term Incarceration and the Moral Limits of Punishment”

- Law & Humanities Junior Scholars Workshop, University of Pennsylvania, June 2, 2019
- Law and Society Association 2019 Annual Meeting, Washington, D.C., June 1, 2019
- Junior Faculty Forum, Richmond School of Law, May 21, 2019
- Scholarship Clinic, NYU Law School, April 15, 2019
- Climenko Fest, Harvard Law School, March 29, 2019
- Climenko Workshop, Harvard Law School, January 31, 2019

“Torture and Respect”

- Climenko Workshop, Harvard Law School, October 22, 2018

“Two Theories of Deterrent Punishment”

- Gerald Gordon Seminar on Criminal Law, University of Glasgow, June 13, 2017

“A Social Defence Theory of Punishment”

- Centre for Penal Theory and Penal Ethics, University of Cambridge, November 21, 2016
- Ph.D. Research Presentation, LSE Law Department, October 12, 2016
- Society of Legal Scholars Graduate Conference, Oxford University, September 5, 2016

Response to Kai Möller’s paper, “What’s Wrong About Ritual Male Circumcision?”

- Legal & Political Theory Forum, LSE Law Department, March 23, 2016

“Sacriligious Terror, Sacred Security: The Non-Negotiable in U.S. Anti-Terrorism Law”

- “Negotiating the Non-Negotiable” Conference, European Union Institute, February 13, 2015

“Reason in Radical Islam”

- Institute for Defense Analyses, Joint Advanced Warfighting Division, August 2009

“The Value Structure of Radical Islamism”

- Center for Political Ideologies, Oxford University, April 2008

SELECTED COMMENTARY

“Congress is dysfunctional. History shows it won’t change anytime soon,” *The Washington Post*, February 9, 2023 (with Guha Krishnamurthi).

“Why Trump Supporters Are So Susceptible to Conspiracy Theories,” *The New Republic*, October 21, 2016.

“Why Being Offensive Works for Trump,” *Salon*, April 13, 2016.

“How Radical Islam Explains the Appeal of Trump and Cruz,” *The New Republic*, February 19, 2016.

“The Climate Agreement in Lima Isn’t Enough. Here’s a Better Solution,” *The New Republic*, December 14, 2014.

“Mubarak steps down. Will Obama step up?,” *The Christian Science Monitor*, February 11, 2011.

“What does President Obama really believe?,” *The Christian Science Monitor*, January 21, 2011.

“Guns, Drugs, and La Barbie: Why America is responsible for Mexican drug cartels,” *The Christian Science Monitor*, September 2, 2010.

“Mount Vernon Statement: The contradiction at the heart of this conservative fusion,” *The Christian Science Monitor*, February 18, 2010.

“The third front in Afghanistan: the American public,” *The Christian Science Monitor*, October 22, 2009 (with Shalev Roisman).

“What do neocons have to do with Obama?,” *The Christian Science Monitor*, September 29, 2009.

“Obama versus Muslim conspiracy theories,” *The Christian Science Monitor*, June 3, 2009.

“The emptiness of Obama’s pragmatism,” *The Christian Science Monitor*, May 26, 2009.

“Obama’s Change: Minor or Major?,” *The Christian Science Monitor*, December 1, 2008.

BAR ADMISSIONS

New York

ACADEMIC SERVICE

Reviewer, LAW & PHILOSOPHY

Reviewer, CRIMINAL LAW & PHILOSOPHY

Reviewer, EIDOS: REVISTA DE FILOSOFÍA DE LA UNIVERSIDAD DEL NORTE