Ekow Nyansa Yankah

625 S State Street, ekow@umich.edu

Ann Arbor, MI 48109 O: +1.734.763.3525

# Academic Appointments and Experience

**University of Michigan School of Law**, Ann Arbor, Michigan

2022-Present

## Thomas M. Cooley Professor of Law; Professor of Philosophy (by courtesy)

*Subjects:* Jurisprudence and Legal Theory, Criminal Law, Criminal Procedure and Torts

*Awards, Service and Other:* Provost Advisory Committee

**Cardozo Law School,** New York, New York 2011-2022

## Professor of Law

Affiliated Scholar, Center for Jewish Law and Contemporary Civilization

*Subjects:* Jurisprudence and Legal Theory, Criminal Law, Criminal Procedure and Torts

*Awards, Service and Other:* BALLSA Alumni of the Year Award (First Non-Cardozo Graduate or Faculty Member Awarded); Top 50 Under 50 Law Professors; Faculty Inspire Award; ABA Law School Review Committee (Curriculum Reform); Chair – (Lateral and Entry-Level) Appointments Committee, Chair – Diversity Committee; Chair - Faculty Development Committee; Chair - Adjunct Faculty Hiring

*Faculty Advisor:* BLSA; Cardozo Democrats; Cardozo American Constitution Society; Unemployment Action Center; Journal of International and Comparative Law

2008-2011

## Associate Professor of Law

2007

## Visiting Associate Professor of Law

**NYU School of Law,** New York, New York

2022

## Adjunct Professor

*Subjects:* Criminal Law

**Fordham Law School,** New York, New York 2010, 2012

## Adjunct Professor

*Subjects:* Torts

**University of Illinois, School of Law,** Champaign, Illinois 2005

**Richard W. and Marie L. Corman Scholar and Assistant Professor of Law** *Member:* Law and Philosophy Program; Program in Criminal Law and Procedure *Subjects:* Jurisprudence and Legal Theory, Torts and Criminal Procedure

*Awards, Service and Other:* Black Law Students Association Award for Special Service; University-wide Senator; University-wide Senate Committee on Student Discipline; University-wide Senate Committee on Student Discipline Special Steering Committee.

**Boies, Schiller & Flexner LLP**, New York, New York 2003

**Associate,** Complex Commercial Litigation

**Columbia University School of Law**, New York, New York 2000

**Law and Philosophy Research Fellow/Legal Discourse Fellow**

# Visiting and Fellowships

***King’s College London, Dickson Poon School of Law***

Visiting Professor of Law – (Fall 2019)

***University of Toronto School of Law***, Toronto, Canada

Distinguished Visiting Faculty Member - (Oct. 2017)

***The InterDisciplinary, Radzyner Law School***, Herzliya, Israel

Visiting Professor of Law – (May – June, 2017)

***The Institute for Advanced Studies, Hebrew University***, Jerusalem, Israel

Visiting Fellow – (Spring 2016)

# Publications and Manuscripts

*Securing the Past: Moral and Political Battles, in* Time, Meaning, and Value (Oxford University Press) (*forthcoming)*

*Deputization and Privileged White Violence*, 77 Stan. L. Rev. \_ (*forthcoming*)

*Should Vulnerable Victims Show Mercy?*, 102 Texas L. Rev. \_ (*forthcoming)*

*Police Killings as Felony Murder*, 17 HARV. L. & POL’Y REV. 157 (2022)

*Whose Burden to Bear?: Privilege, Lawbreaking and Race.* Symposium on Tommie Shelby’s DARK GHETTOS: INJUSTICE, DISSENT, AND REFORM in 16 CRIM. LAW AND PHIL. 13 (2022)

*Mandatory Voting and Black Citizenship*, 90 FORDHAM L. REV. 639 (2021)

*Provider Care Team Segregation and Operative Mortality Following Coronary Bypass Grafting*, 14 Circulation \_ , (2021) (with Dr. John Hollingsworth, et. al.)

*Reckless Racism and Mens Rea in Criminal Punishment*, 53 ARIZONA ST. L. REV. 681 (2021)

*Punishing Them All: How Criminal Justice Should Account for Mass Incarceration*, 97 RES PHILOSOPHICA 185 (2020)

*The Right to Reintegration*, 23 New Criminal Law Review 74 (2020)

*The Place of Retributivism in Punishment*, 71 RUTGERS L. REV 1003 (2020)

*Race, Criminal Law and Ethical Life* in PALGRAVE HANDBOOK ON APPLIED ETHICS AND THE CRIMINAL LAW (2019)

*The Sovereign and the Republic: A Republican View of Political Obligation*, LXI NOMOS 102 (2019)

*Pretext of Justification: Republicanism, Policing and Race*, 40 CARDOZO L. REV. 1543 (2019)

Reprinted in part in *A Republican Vision of Policing*, in THE CAMBRIDGE HANDBOOK OF POLICING IN THE

United States (2019)

*Legal Hypocrisy*, 32 RATIO JURIS 2 (2019)

Book Review: *The Failure of “Rights” in Racial Justice: Comments on From Slave Abuse to Hate Crime by Ely Aaronson*, 14 JERUSALEM REVIEW OF LEGAL STUDIES 192 (2017)

*Facing Terror Together: Public Agents and Civic* Worth, 2 CRITICAL ANALYSIS OF LAW 244 (2015)

*Republican Responsibility in Criminal Law.* 9 CRIM. LAW AND PHIL. 457 (2015)

*Legal Vices and Civic Virtue*. 7 CRIM. LAW AND PHIL. 61 (2012) *Reprinted in* Aristotle and the Philosophy of Law: Theory, Practice and Justice (Ius Gentinum: Comparative Perspectives on Law and Justice) (Eds. Liesbeth Huppes-Cluysenaer & Nuno M.M.S. Coelho) (2013)

*When Justice Can’t Be Done: The Obligation to Govern and Rights in the State of Terror*. 31 LAW AND PHIL. 643 (2012)

Book Review: *Crime, Freedom and Civic Bonds: Arthur Ripstein’s Force and Freedom.* 6 CRIM. LAW AND PHIL. 255 (2012)

*Liberal Virtue* in LAW, VIRTUE AND JUSTICE (ALALIA AMAYA AND HO HOCK LAI EDS.; OXFORD: HART

PUBLICATIONS) (with reply by Anthony Duff) (2011)

*A Paradox in Overcriminalization.* 14 New Criminal Law Review 1 (2011)

Book Review: Peter de Marneffe, Liberalism and Prostitution, in NOTRE DAME PHILOSOPHICAL REVIEW (2010)

*Virtue’s Domain.* 2009 U. ILL. L. REV. 1167 (2009)

*The Law of Duty and the Virtue of Justice.* 27 CRIM. JUST. ETHICS 67 (2008) (symposium including Anthony Duff, Jeff McMahan, Andrew Von Hirsch and Andrew Ashworth; reply by George Fletcher)

*The Force of Law: The Role of Coercion in Legal Normativity.* 42 U. RICH. L. REV. 1195 (2008)

*Good Guys and Bad Guys: Punishing Character, Equality and the Irrelevance of Moral Character to Criminal Punishment.* 25 CARDOZO L. REV. 1019 (2004)

# In Progress

*BOOK PROJECT: FOR WE ARE ALL BONDED: POLITICAL OBLIGATION, FRANCHISE AND CRIMINAL LAW*

*Franchise as a Republican Value: Pursuing the Common Good Republican Rights and (De)Criminalization*

*Franchise, Ancient and Modern: Franchise as a Political Value Republicanism and the Rule of Law*

*Rawlsian Conjecture, Secular Communication and Exclusion The Right to Condemn*

*The Second-Person Point of View, Rights and Child Criminals*

# Selected Academic Presentations and Participation

*Deputization and Privileged White Violence –*University of California (Irvine), School of Philosophy - The Melden Lectures

*Race, Punishment and Social Bonds* – Swarthmore College – The Gilbert Lecture

*Franchise as a Republican Value: Pursuing the Common Good –* Loyola University (New Orleans) Philosophy Department; Northwestern University Philosophy Department

*Republican Rights and (De)Criminalization –* Republican Theories of Criminal Law Conference

*Republicanism, Policing and Race* – Villanova Law School Faculty Workshop; Minnesota Law School – The Future of Criminal Law (Keynote Speaker);

*Franchise, Ancient and Modern: Franchise as a Political Value* – American Philosophical Association (Central Division Meeting) Jurisprudence Section; New Voices in Legal Theory, St. Andrews, Scotland

*Republican Responsibility in Criminal Law* – UCLA Legal Theory Workshop; Berkeley GALA Seminar; Robina Institute – University of Minnesota School of Law

*The Sovereign and the Republic: A Republican View of Political Obligation* – University of Pennsylvania Center for Ethics and Rule of Law; Kings College (London) New Waves in Legal and Political Theory; IVR – Belo Horizonte, Brazil

MacArthur Foundation Research Network on Law and Neuroscience – Invited Commenter - interdisciplinary collaboration to aimed at exploring ways to deploy neuroscientific insights to improve the fairness and effectiveness of the criminal justice system while avoiding neuroscientific evidence in criminal law contexts.

*Legal Hypocrisy* - Cardozo Junior Faculty Workshop; Columbia Law School Lieber Colloquium; University of Toronto; University of Baltimore School of Law Faculty Workshop; University of Alabama School of Law Faculty Workshop; University of Pennsylvania School of Law Faculty Workshop; NYU Political Theory Workshop; Princeton Center for Human Values

*Legal Vices and Civic Virtue* - World Congress of Philosophy of Law and Social Philosophy, Frankfurt (Special Workshop Aristotle and the Philosophy of Law: Theory, Practice and Justice) (Workshop on Legal Normativity and the Philosophy of Practical Reason); Rutgers Law School (Newark) Symposium on Vice and Crime; Cardozo Law School Faculty Workshop

Rethinking Criminal Law Theory: New Canadian Perspectives in the Philosophy of Domestic, Transnational, and International Criminal Law – Commenter, Osgoode Hall Law School, York University

*Rawlsian Conjecture, Secular Communication and Exclusion* – Annenberg/Oxford Summer Institute (Oxford, England); Central European University (Budapest)

*When Justice Can’t be Done: The Obligation to Govern and Rights in the State of Terror* - Cardozo Symposium on The Obligations of Sovereignty; Cardozo Junior Faculty Workshop; The New Voices in Legal Theory Conference, St. Louis; University of Buffalo Baldy Center for Law and Social Policy; University of North Carolina State Philosophy Department Public Lectures

*Liberal Virtue* - University of Colorado Speaker’s Colloquium; University of Illinois Faculty Workshop; Criminal Law Theory Workshop; Cardozo Faculty Workshop; Oxford University Jurisprudence Working Group; World Congress of Philosophy of Law and Social Philosophy (Beijing)

*A Paradox in Overcriminalization* – Symposium on Overcriminalization, Pace Law School

Conference on Terrorism, Human Security and Human Rights – Commenter, Jindal Global Law School, New Delhi, India

*Virtue’s Domain -* Prawfsfest – New Voices Roundtable; Rutgers University (New Camden) School of Law Faculty Workshop; Cardozo Law School Faculty Workshop; Washington University School of Law Regional Junior Faculty Workshop; Law and Society – Theories of Punishment; New Voices in Legal Theory Roundtable; Pace Law School Faculty Workshop

*The Force of Law: The Role of Coercion in Legal Normativity -* The University of Illinois School of Law Faculty Workshop; The Chicago-Kent School of Law - University of Illinois School of Law Faculty Workshop; University of Notre Dame School of Law Faculty Workshop; University of Virginia School of Law - Law and Humanities Workshop; Cardozo Law School Bauer Workshop

Contributing Editor, Jotwell (Jurisprudence Section): Eds. Brian Bix and Brian Tamanaha

Refereed Articles in various law reviews, legal theory and philosophy journals including *The Harvard Law Review, The Monist, Law and Philosophy, Oxford University Press, Criminal Law and Philosophy* and *The New Criminal Law Review*

# Professional Roles

**New York State Board of Elections, Public Campaign Finance Board**, Albany, New York

2020-2022

**Chairman**

Appointed as the first Democratic Member of the New York’s statutorily created Public Campaign Finance Board, a bi-partisan committee to construct the infrastructure and regulations to implement the nation’s largest campaign finance matching program.

Elected Chairman.

Beginning from initiation, with no staff or program, was responsible for building and hiring the Democratic staff, including the Democratic Co-Executive Director and Democratic Co-General Counsel. Built a diverse team, of nearly 50 employees focused on the ability to serve diverse New Yorkers across education, race and class. Negotiated with Republican counterparts, resolving contentious issues and ultimately pass the program’s regulations. Led coordinating efforts with technical team to construct matching funds Information Technology systems for candidates. Directed a State-wide budget of over $14M dollars and managed total matching funds of ~$250M dollars. Stepped down immediately before launch due to statutory prohibition on non-New York residents working for the Board of Elections.

**The Innocence Project,** New York, New York

2010-Present

## Board of Directors; Executive Board

Recognized as an “Advocate for Justice,” Nov. 2017

Spearheaded “Jazz for Justice” Fundraising Campaign, securing Wynton Marsalis and the Lincoln Center Jazz Orchestra to host an intimate fundraiser, raising over $1M dollars.

**Mother Jones Magazine,** San Francisco

2020-Present

**Board of Directors; Governance Committee**

Chairman

Core responsibilities include governing regulations, search and recruitment of new Board members.

**American Constitutional Society,** New York, New York

2010-Present

## New York Executive Board Member

**New York Democratic Lawyers Council,** New York, New York 2008-2020

## Co-Chair

Recognized as the “Guardian of Democracy,” Aug. 2020

## Op-Eds and Public Commentary

**Modern Day Segregation in Hospitals is Killing Black Patients**, Salon, June 26, 2021 (with John M. Hollingsworth and Brahmajee K. Nallamothu)

**Prisoners are Getting Whiter. That’s One Way Mass Incarceration May End**, Washington Post, February 26, 2021 (with Keith Humphreys)

**New York’s Next Shot to Strengthen Our Democracy**, Gotham Gazette, February 24, 2021 **Trump’s Racism is Bad for White People Too**, New York Daily News, October 19, 2020 **Dismantling Obstacles to Voting in NY**, Newsday, August 28, 2020

**Racialized Violence Never Takes A Break: On The Killing Of Ahmaud Arbery**, New York Daily News, May 08, 2020

**Can My Children Be Friends With White People?,** New York Times, November 11, 2017

**Cardozo Law Professor Perfectly Explains What Trump Stands For,** Huffington Post, November 16, 2016 ([www.aol.com/video/view/cardozo-law-professor-perfectly-explains-what-trump-stands-](http://www.aol.com/video/view/cardozo-law-professor-perfectly-explains-what-trump-stands-) for/58264bc0c7480e44b98f03b7/?a\_dgi=aolshare\_facebook)

**Trump and the Country We Lost,** Huffington Post, November 8, 2016

**No Wave of Compassion When Addicts Were Hooked on Crack**, PBS NewsHour, March 29, 2016

**When Addiction Has a White Face,** New York Times, February 9, 2016 **Why NCAA Athletes Shouldn’t be Paid,** The New Yorker, October 14, 2015 **Seeing Walter Scott,** The New Yorker, April 12, 2015

**Eric Garner’s Value,** Huffington Post, December 12, 2014 **Ferguson’s Easy Answers,** Huffington Post, September 2, 2014 **The Truth About Trayvon,** New York Times, July 15, 2013

**Why Government is Virtuous,** Huffington Post, July 4, 2013

**Electoral fairness held prisoner,** Albany Times Union, May 17, 2011 (with Leonard Kohen)