

# **BRIAN HUTLER, JD, PHD**

Hecht-Levi Postdoctoral Fellow

Berman Institute of Bioethics

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## **EDUCATION**

Ph.D., UCLA Philosophy, 2018

Dissertation: *Cooperation, Religious Freedom, and the Liberal State*

Co-Chairs: Barbara Herman and Seana Shiffrin

Committee: John Carriero, Mark Greenberg, and Robert Goldstein

J.D., UCLA School of Law, 2014

Law and Philosophy Joint Degree Program

B.A., New York University, 2006

*Cum laude*, with highest honors in Philosophy

Honors thesis advisor: Jim Pryor

## **AREAS OF SPECIALIZATION**

social and political philosophy, bioethics, philosophy of law

## **AREAS OF COMPETENCE**

normative ethics, ethics of AI and technology, Kantian moral philosophy

## **PEER-REVIEW PUBLICATIONS**

**Brian Hutler** (2022) “Causation and Injustice: Locating the Injustice of Racial and Ethnic Health Disparities,” *Bioethics*, 36, 260-266. <https://doi.org/10.1111/bioe.12994>

Suerie Moon, Jana Armstrong, **Brian Hutler**, *et al.*, (2022) “Governing the ACT-Accelerator: Current Challenges and Opportunities for Change,” *The Lancet*, 399, 487-494. [https://doi.org/10.1016/S0140-6736\(21\)02344-8](https://doi.org/10.1016/S0140-6736(21)02344-8)

**Brian Hutler** and Anne Barnhill (2021) “Snap Exclusions and the Role of Citizen Participation in Policy-Making,” *Social Philosophy and Policy*, 38(1), 266-288. <https://doi.org/10.1017/S0265052521000315>

Travis N. Rieder, **Brian Hutler**, and Debra J. H. Mathews (2020) “Artificial Intelligence in Service of Human Needs: Pragmatic First Steps Toward an Ethics for Semi-Autonomous Agents,” *AJOB Neuroscience*, 11(2), 120-127.

<https://doi.org/10.1080/21507740.2020.1740354>

**Brian Hutler** (2020) “Compromise and Religious Freedom,” *Law and Philosophy*, 39(2), 177-202. <https://doi.org/10.1007/s10982-019-09365-3>

**Brian Hutler** (2019) “Against the Political Use of Religious Exemptions,” *Philosophy & Public Affairs*, 47(3), 319-342. <https://doi.org/10.1111/papa.12150>

**Brian Hutler** (2018) “Religious Arbitration and the Establishment Clause,” *Ohio State Journal on Dispute Resolution*, 33(3), 337-372.

[https://kb.osu.edu/bitstream/handle/1811/92774/1/OSJDR\\_V33N3\\_337.pdf](https://kb.osu.edu/bitstream/handle/1811/92774/1/OSJDR_V33N3_337.pdf)

## FORTHCOMING

**Brian Hutler**, Alessandro Blasimme, Rachel Gur-Arie, *et al.*, “Assessing the Governance of Digital Contact Tracing in Response to COVID-19: Results of a Multi-National Study” (forthcoming in *Journal of Law, Medicine & Ethics*)

## PUBLIC-ORIENTED PUBLICATIONS

**Brian Hutler** (2022) “Two Conceptions of Anti-Establishment: When Should Courts Enforce Religious Arbitration Agreements?” *Canopy Forum*, March 15, 2022.

<https://canopyforum.org/2022/03/15/two-conceptions-of-anti-establishment-when-should-courts-enforce-religious-arbitration-agreements/>

**Brian Hutler** and Rachel Gur-Arie (2021) “Legal and Ethical Considerations for COVID-19 Vaccination Mandates for Healthcare Workers” *Mid-Atlantic Ethics Committee Newsletter*, published by the Law & Healthcare Program, University of Maryland Francis King Carey School of Law.

<https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1080&context=maecnewsletter>

Justin Bernstein, **Brian Hutler**, Travis Rieder, Ruth Faden, Hahrie Han, and Anne Barnhill (2020) “An Ethics Framework for The COVID-19 Reopening Process,” *JHU Working Papers*, May 27, 2020. <https://bioethics.jhu.edu/wp-content/uploads/2019/10/FINAL-SNF-Agora-Covid-19.pdf>

Travis Rieder, Anne Barnhill, Justin Bernstein, and **Brian Hutler** (2020) “When to Reopen the Nation is an Ethics Question—Not Only a Scientific One,” *Hastings Center Bioethics Forum*, April 28, 2020. <https://www.thehastingscenter.org/when-to-reopen-the-nation-is-an-ethics-question-not-only-a-scientific-one/>

**Brian Hutler** (2020) “Snowflakes and Syllabi: Review of Ulrich Baer *What Snowflakes Get Right*,” *Academe* 106(2). <https://www.aaup.org/article/snowflakes-and-syllabi>

## BOOK

Joseph Ali, Anne Barnhill, Anita Cicero, Katelyn Esmonde, Amelia Hood, **Brian Hutler**, Jeffrey Kahn, Alan Regenber, Crystal Watson, and Matthew Watson (2020) *Digital Contact Tracing for Pandemic Response*, Jeffrey Kahn, ed., Johns Hopkins University Press. <https://muse.jhu.edu/book/75831>

## GRANT-FUNDED RESEARCH

Co-Investigator, “Enabling Ethical Analysis and Public Justification in State-Level Pandemic Responses in the United States” (2021-2023)

Principal Investigator: Anne Barnhill, JHU Berman Institute  
Greenwall Foundation Making a Difference (90094554);  
National Science Foundation, Science of Science: Discovery, Communication,  
and Impact (SoS:DCI) (2122574)

Co-Investigator, “Enabling Machines to Reason about Potential Harms to Humans” (2019-2022)

Principal Investigator: Ariel Greenberg, JHU Applied Physics Lab  
Johns Hopkins University Discovery Award

Member of Legal Research Team, “BRIDGES: Bridging Infectious Disease, Genomics, and Society, Center Excellence in ELSI Research” (2020-2021)

Co-Principal Investigators: Jeffrey Kahn and Gail Geller, JHU Berman Institute  
Center for Excellence in ELSI Research (CEER), National Human Genome  
Research Institute (NHGRI) (5RM1HG009038-03)

Working Group Member, World Health Organization, Access to COVID-19 Tools Accelerator (ACT-A), Ethics and Governance Working Group (2021)

Member of Research Team, World Health Organization-funded report on digital contact tracing, collaboration between the JHU Berman Institute and the ETH Zürich Health Ethics and Policy Lab (2020-2021)

**PEER-REVIEWED CONFERENCE PRESENTATIONS**

- “Implications of ‘Blurred Boundaries’ for Genetic Discrimination Law”  
The 5<sup>th</sup> ELSI Congress, Columbia University (June 1, 2022)
- “Rethinking the Role of Courts During a Pandemic”  
American Society for Bioethics and the Humanities (October 16, 2021)
- “Food Sovereignty and the Right to Food: Tension or Harmony?”  
Public Health Law Conference (Sept. 22, 2021)
- “Policy Considerations Raised by Vaccinomics: A Legal Case Study”  
NHGRI Annual Meeting, UCLA School of Medicine (April 19, 2021)
- “The Trump Administration’s Problematic Enforcement of Religious Freedom”  
Reproductive Ethics Conference (April 9, 2021)
- “Causation and Justice: The Direct Injustice of COVID-19 Racial and Health Disparities”  
Workshop on Political Philosophy & Bioethics, Center for Ethics & Policy,  
Carnegie Mellon University (Feb. 20, 2021)
- “Kant on Sustainability”  
American Philosophical Association (APA), Eastern Division (Jan. 8, 2021)
- “Digital Contact Tracing for Pandemic Response: Ethics and Law”  
Global Digital Health Forum (Dec. 7, 2020)
- “Conscientious Objection or Civil Disobedience, but Not Both”  
APA, Eastern Division, New York City (Jan. 9, 2019)
- “Speaker Anonymity as a Shield or a Sword”  
Freedom of Expression Scholars Conference, Yale Law School (April 27, 2018)
- “Compromise and Religious Accommodation”  
American Law and Religion Roundtable, Notre Dame (June 15, 2017)
- “Hate Speech, Political Conversation, and Citizenship”  
Freedom of Expression Scholars Conference, Yale Law School (April 30, 2016)
- “Rawls on Accepting the Punishment for Civil Disobedience”  
APA, Eastern Division, Washington D.C. (Jan. 8, 2016)
- “Rawls on Accepting the Punishment for Civil Disobedience”  
Rocky Mountain Ethics Congress, University of Colorado (Aug. 8, 2015)

## INVITED CONFERENCE PRESENTATIONS

“Two Conceptions of Anti-Establishment: When Should Courts Enforce Religious Arbitration Agreements?”

Center for the Study of Law and Religion, Emory University (March 3, 2022)

“Public Health Deference after Covid: What’s left of *Jacobson v. Massachusetts*?”

Mid-Atlantic Fellows Conference, hosted by the National Institutes of Health, Dept. of Bioethics (May 5, 2021)

“Digital Contact Tracing & Vaccine Passport Technologies: Law and Policy”

Health Policy Analysis Working Group, hosted by the Johns Hopkins University Bloomberg School of Public Health (April 16, 2021)

“Digital Contact Tracing for Pandemic Response: Ethics and Law”

Privacy + Security Forum (Oct. 23, 2020)

“Religious Anti-discrimination and the Voluntariness Principle”

American Law and Religion Roundtable, hosted by the Pepperdine University School of Law (June 25, 2020)

“The Ethics of Social Distancing and Reopening”

Johns Hopkins School of Medicine, Infectious Diseases COVID-19 Grand Rounds (May 19, 2020)

“The Trump Administration’s Enforcement of Religious Freedom in Health Care”

Berman Institute, Johns Hopkins University (Nov. 22, 2019)

“Conscientious Objection or Civil Disobedience, but Not Both”

Center for Human Values, Princeton University (May 8, 2018)

Comments on Ryan Doerfler “Arguing with Friends”

Bechtel Conference, University of Pennsylvania (May 22, 2017)

“On the Distinction between Conscientious Objection and Civil Disobedience”

Ethics Breakfast, University of Pennsylvania (April 12, 2017)

“Religious Arbitration and the Establishment Clause”

Zicklin Center for Normative Business Ethics, the Wharton School, University of Pennsylvania (March 17, 2017)

Comments on Gabriel Mendlow “Punishing Pure Thought”

American Philosophical Association, Central Division, Kansas City, Mo. (March 2, 2017)

**ACADEMIC POSITIONS, FELLOWSHIPS, AND AWARDS**

Hecht-Levi Postdoctoral Research Fellow, Berman Institute of Bioethics,  
Johns Hopkins University (2019-2022)

Lecturer, Fox School of Business, Temple University, Department of Legal Studies  
(2019)

Lecturer, University of Pennsylvania, Department of Philosophy (2018)

Lecturer, The Wharton School, University of Pennsylvania, Department of Legal Studies  
and Business Ethics (2018)

Predoctoral Fellowship  
UCLA School of Law (2016-2018)

Dissertation Year Fellowship  
UCLA Graduate School (2016-2017)

University Teaching Fellowship  
UCLA (2014)

Pauley Graduate Student Fellowship  
UCLA (2008-2009)

Salomonowitz Memorial Prize for Outstanding Scholarship in Philosophy  
New York University Department of Philosophy (2006)

**COMMITTEE SERVICE AND MEMBERSHIPS**

Member of Inclusion, Diversity, Anti-Racism, and Equity (IDARE) Committee  
Berman Institute of Bioethics, Johns Hopkins University (since 2020)

Member of Clinical Ethics Committee  
Jefferson University Hospital (2019-2021)

Member of California Bar Association (since 2017)

**COURSES TAUGHT**

- “Bioethics and the Law” (with Anna C. Mastroianni)  
Berman Institute of Bioethics and the Bloomberg School of Public Health,  
Johns Hopkins University (Spring 2021)
- “Intellectual Property: Theory and Practice”  
Fox School of Business, Temple University (Spring 2019)
- “Philosophy of Law”  
Department of Philosophy, University of Pennsylvania (Fall 2018)
- “Law and Social Values”  
The Wharton School, University of Pennsylvania (Spring 2018)
- “The Arc of History and the Idea of Progress”  
Department of Philosophy, UCLA, (Summer 2017)
- “Philosophy of Law”  
Department of Philosophy, UCLA (Summer 2015)
- “Introduction to Political Philosophy”  
Department of Philosophy, UCLA (Summer 2014)
- “International Law and the Legitimacy of Global Governance”  
Collegium of University Teaching Fellows, UCLA (Spring 2014)
- “Theories of Punishment”  
Department of Philosophy, UCLA (Summer 2012)

**PROFESSIONAL REFERENCES**

**Barbara Herman, PhD**

Griffin Professor of Philosophy and Professor of Law  
University of California, Los Angeles  
370 Dodd Hall  
405 Hilgard Ave  
Los Angeles, CA 90095  
310-206-2799  
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**Seana V. Shiffrin, DPhil, JD**

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University of California, Los Angeles  
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**Ruth R. Faden, PhD, MPH**

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founding Director of the Berman Institute of Bioethics  
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**Jeffrey Kahn, PhD, MPH**

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Robert Henry Levi and Ryda Hecht Levi Professor of Bioethics and Public Policy  
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