

Curriculum Vitae

Tom Campbell

Qualifications

- M.A. 1st class honours in Logic and Moral Philosophy, University of Glasgow (1962).
- Ferguson Scholarship (open to all Arts graduates of Scottish Universities) (1962).
- Snell Exhibition, Balliol College, Oxford (1962-64).
- B.A. 1st class honours in Theology, Oxford University (1964).
- Ph.D. "Adam Smith's Sociology of Morals", University of Glasgow (1969).
- Fellow of the Royal Society of Edinburgh (1994).
- Fellow of the Academy of the Social Sciences in Australia (1994).

Employment

- 1956-58 2nd Lt, 1st Regiment Royal Horse Artillery, BAOR.
- 1964-69: Lecturer in Social and Political Theory, University of Glasgow.
- 1970-73: Lecturer and Senior Lecturer in Moral Philosophy, University of Glasgow.
- 1973-79: Professor of Philosophy, University of Stirling.
- 1980-90: Professor of Jurisprudence, University of Glasgow. (Dean of Law and Financial Studies, 1983-86)
- 1990-01 Professor of Law, The Faculties, The Australian National University. (Dean of Law, 1994-97)
- 1998- Visiting Professor, Law School, King's College London.
- 2001- Professorial Fellow, Centre for Applied Philosophy and Public Ethics/School of Humanities and Social Sciences, Charles Sturt University.

Current Research Interests

- (1) Law, Ethics and Democracy – an examination of legal and ethical theories in the context of current developments in democratic theory, particularly the role of courts, the institutionalising of human rights, the legitimation of legislation and the ethical implications of human rights. This work develops a project on “Judicial Activism and the Rule of Law in Australian Democracy” funded by a Large ARC grant held jointly with Professor Goldsworthy (Monash Law Faculty), and a later Large ARC Grant on “The Protection of Human Rights in Australia” and a current Discovery grant focusing on democratic applications of Bills of Rights.. I am examining the development and application to Australian constitutional law of a general prescriptive theory of law and rights in the tradition of legal positivism. See: Campbell, *The Legal Theory of Ethical Positivism* (Dartmouth 1996), Campbell. ‘Human Rights: a Culture of Controversy’ *Journal of Law and Society* (1999), and Campbell and Goldsworthy (eds), *Judicial Power, Democracy and Legal Positivism* (2000). Campbell, Ewing and Tomkins (eds), *Sceptical Essays on the Human Rights Act 1998* (Oxford University Press, forthcoming 2001) and Campbell, Goldsworthy and Stone (eds) “The Protection of Human Rights”, Oxford University Press 2003).

- (2) Theories of Rights and Justice: - theoretical work that concentrates on conceptual and prescriptive theories of rights and justice in the context of contemporary political and legal theory. It develops Campbell, *The Left and Rights* (Routledge, 1983), which sought to distance rights from a purely liberal context, and Campbell, *Justice* (Macmillan, 2nd edn. 2001) which deals with the substantive theories of major legal and political theorists, such as Nozick, Rawls, Habermas and Iris Marion Young, and propounds a theory of justice in terms of 'equal worth and unequal worthiness'. See also *Rights: A Critical Introduction* (Routledge 2006).
- (3) Business and Professional Ethics. As part of a core research program in CAPPE, I am involved in research on:
- Corporate social responsibility and the law, with Prof Doreen McBarnet (Oxford).
 - The concept of sustainability.

Grants

\$93K Australian Research Council Large Grant: Freedom of Communication in Australia. With Professor W Sadurski, 1993-5.

\$200K Public Health contract with Department of Health and Family Services, 1996, as Chair of the Australian Institute of Health, Law and Ethics.

\$102K Australian Research Council Large Grant. Judicial Activism and the Rule of Law in Australia, 1998-2000. With Professor J. Goldsworthy.

\$128K. Australian Research Council Large Grant. Protecting Human Rights in Australia', 2001-2003. With Professor Goldsworthy and Dr Adrienne Stone.

\$210K Australian Research Council, Linkage Project, with the Professional Standards Council, NSW. 2004-2005. First CI, with 8 others.

\$75K Australian Research Council Discovery Grant. An Australian Alternative to Bills of Rights, 2007-2009.

Publications

Books

Authored

- (1) ADAM SMITH'S SCIENCE OF MORALS, Allen and Unwin, 1971.
- (2) SEVEN THEORIES OF HUMAN SOCIETY, Oxford University Press, 1981, reprinted 1985, 1989. Spanish edition 1985, Japanese edition 1992.
- (3) THE LEFT AND RIGHTS: A CONCEPTUAL ANALYSIS OF THE IDEA OF SOCIALIST RIGHTS, Routledge and Kegan Paul, 1983.
- (4) JUSTICE, Macmillan, 1988. (2nd edition with 4 new chapters, 2001).
- (5) MENTAL ILLNESS: PREJUDICE, DISCRIMINATION AND THE LAW (with Chris Heginbotham), Dartmouth, 1991.
- (6) THE LEGAL THEORY OF ETHICAL POSITIVISM, Dartmouth, 1996.
- (7) PRESCRIPTIVE LEGAL POSITIVISM, UCL Press/Cavendish (2004).
- (8) RIGHTS: A CRITICAL INTRODUCTION, Routledge (2006)

Edited books

- (1) HUMAN RIGHTS: FROM RHETORIC TO REALITY, Blackwell, 1986 (coeditor)
- (2) LAW AND ENLIGHTENMENT IN BRITAIN, Aberdeen University Press, 1991.
- (3) FREEDOM OF COMMUNICATION, Dartmouth, 1994 (coeditor Wojciech Sadurski).
- (4) LEGAL POSITIVISM, Dartmouth, 1999.
- (5) JUDICIAL POWER, DEMOCRACY AND LEGAL POSITIVISM, Dartmouth, 2000 (coeditor Jeffrey Goldsworthy)
- (6) HUMAN RIGHTS IN PHILOSOPHY AND PRACTICE, Dartmouth, 2001. (coeditor Burton Leiser)
- (7) SCEPTICAL ESSAYS ON THE HUMAN RIGHTS ACT 1998, Oxford University Press, 2001 (coeditors Keith Ewing and Adam Tomkins)
- (8) LAW AND DEMOCRACY, Dartmouth, 2001 (co-editor, Adrienne Stone).
- (9) LEGAL INTERPRETATION IN DEMOCRATIC STATES, Dartmouth, 2001 (coeditor Jeffrey Goldsworthy).

- (10) PROTECTING HUMAN RIGHTS: INSTITUTIONS AND BOUNDARIES, Oxford University Press, 2003(co-editors J Goldsworthy and A Stone)
- (11) HUMAN RIGHTS AND THE MORAL OBLIGATIONS OF PUBLIC AND PRIVATE ORGANISATIONS, Kluwer 2003, (co-editor S Miller)
- (12) ETHICS AND AUDITING, ANU E Press 2005 (co-editor K. Houghton)
- (13) GLOBAL JUSTICE AND GLOBAL PROSPERITY, Special edition of the Journal of Professional and Applied Ethics, vol 8.1 2006 (co-editor Craig Taylor).
- (14) PROTECTING RIGHTS WITHOUT A BILL OF RIGHTS: INSTITUTIONAL PERFORMANCE AND REFORM IN AUSTRALIA, London: Ashgate 2006 (coeditors J. Goldsworthy and A. Stone).
- (15) HUMAN RESOURCE MANAGEMENT: ETHICS AND EMPLOYMENT, Oxford University Press (2007) (co-editors Ashly Pinnington and Robert Macklin)
- (16) THE NEW CORPORATE ACCOUNTABILITY : CORPORATE SOCIAL RESPONSIBILITY AND THE LAW, Cambridge University Press (2007) (coeditors Doreen McBarnet and Aurora Voiculescu).

Book Chapters

"Scientific Explanation and Ethical Justification in the Moral Sentiments" in A S Skinner and T Wilson (eds), *Essays on Adam Smith*, Clarendon Press, 1975, pp 68-82.

"Oswald Spengler and the Approaching Death of Western Civilisation", 8 *Futures*, 1977, pp 438-43.

"Discretionary Rights", in N Timms and D Watson (eds), *Philosophy and Social Work*, Routledge and Kegan Paul, 1978, pp 50-77.

"Sterilisation" (with S A M McLean), S.A.M. McLean (ed), *Legal Issues in Medicine*, Gower Press, 1981, pp 176-90.

"Frances Hutcheson: Father of the Scottish Enlightenment", in R H Campbell and A S Skinner (eds), *The Origins and Nature of the Scottish Enlightenment*, John Donald, 1982, pp 167-85.

"Adam Smith and the Economic Analysis of Law", in V Hope (ed), *Philosophers of the Scottish Enlightenment*, Edinburgh University Press, 1984, pp 133-156.

"The Rights' Approach to Mental Health", in A Phillips Griffiths (ed), *Philosophy and Practice*, Cambridge University Press, 1985, pp 221-54.

"Is Special Legislation for the Mentally Ill Ethically Defensible?", in Knud Jensen and Bent Pedersen (eds), *Commitment and Civil Rights of the Mentally Ill*, Sind, 1985, pp 84-93.

"Realizing Human Rights", in Campbell, Goldberg, McLean and Mullen (eds), *Human Rights, from Rhetoric to Reality*, Blackwell, 1986, pp 2-13.

"The Rights of the Mentally Ill", in Tom Campbell et al, *Human Rights from Rhetoric to Reality*, Blackwell, 1986, pp 124-47.

"Can Law Control Force?" in John Dewar, Abdul Paliwala, Sol Picciotto and Matthias Ruete (eds), *Nuclear Weapons, the Peace Movement and the Law*, Macmillan, 1986, pp 72-88.

"Mistaking the Relevance of Gender", in Noreen Burrows and Sheila McLean, (eds) *The Legal Relevance of Gender*, Macmillan, 1988, pp 16-39.

"Obligation: Societal, Political and Legal", in Paul Harris (ed) *On Political Obligation*, Routledge, 1990, pp 120-150.

"Liberalism and the Law of Contract", in A Gamble (ed) *Obligations in Context*, W Green, 1990, pp. 111-25.

"Markets and Justice" in *Justice and the Market*, Centre for Theology and Public Issues, University of Edinburgh, 1991, pp.18-27.

"Discrimination", in W Sadurski (ed), *Moral Values and Legal Theory*, Rodolpi, 1992, pp 153-70.

"Legal Studies" in R Goodin and P Pettit (eds), *A Companion to Contemporary Political Philosophy*, Blackwell, 1993, pp 183-211.

"Legal Change and Legal Theory" in Werner Krawitz et al, (eds) *Prescriptive Formality and Normative Rationality in Modern Legal Systems*, Dunker and Humbolt, 1994, pp 605-30.

"Free Speech Rationales" in Campbell and Sadurski (eds), *Freedom of Communication*, Dartmouth, 1994, pp.17-44.

"Communication Rights: Defaming Free Speech" in R.Martin and G.Sprengher (eds) *Rights*, Franz Steiner, 18-25.

"Conceptions of Equality and the Functions of Quotas" in *Quoten und Gleichstellung von Frau und Mann*, Helbing & Lichtenhahn, 1996, pp.55-70.

“Judicial Powers” in A Vincent (ed), *Political Theory: Tradition, Diversity and Ideology*, Cambridge University Press, 1997, pp.172-191.

"Human Rights, Humane Values and Positive Law" in J Tasioulas (ed), *Law, Values and Social Practices*, Dartmouth, 1997, pp 99-128.

“Consensus and Pluralism in Law”, in A J Armaud and P Koller (eds), *Justice and Culture*, Franz Steiner, 1998, pp 19-23.

“Democratic Aspects of Legal Positivism”, in T Campbell and J Goldsworthy (eds), *Judicial Power, Democracy and Legal Positivism*, Dartmouth, 2000.

“Democracy in a World of Global Markets”, in C Sampford and T Round (eds), *Beyond the Republic*, Federation Press, 2001.

“Law and Morality” in Neil J Smelser and Paul B Bates (eds) *International Encyclopedia of the Social and Behavioral Sciences*, Elsevier, 2001.

“Democratising Human Rights” in Campbell and Leiser (eds) *Human Rights in Philosophy and Practice*, Dartmouth, 2001.

“Legislative Intent and Democratic Decision-Making” in N Naffine, R Owens and J Williams (eds), *Intention in Law and Philosophy*, Dartmouth, 2001.

“Incorporation through Interpretation” in Campbell, Ewing and Tomkins (eds), *Sceptical Essays on the Human Rights Act 1998*, Oxford University Press, 2001.

“Human Rights and the Partial Eclipse of Justice” in A Soeteman, *Pluralism and Law*, Kluwer, 2001.

“Grounding Theories of Interpretation” in Goldsworthy and Campbell (eds), *Legal Interpretation in Democratic States*, Dartmouth, 2002.

“Human Rights: The Shifting Boundaries” in Campbell, Goldsworthy and Stone (eds) *Protecting Human Rights: Institutions and Boundaries*, Oxford University Press 2003.

“The Equal Worth Project” in Keith Horton and Haig Patapan, (eds), *Globalisation and Equality*, Routledge, 2004, pp.23-48.

“Moral Dimensions of Human Rights” in Tom Campbell and Seumas Miller eds, *Human Rights and the Moral Responsibilities of Corporate and Public Sector Organisations*, Kluwer, 2004, pp.11-30.

“Collective Rights and Individual Interests”, in Guenther Doeker-Mach and Klaus A. Ziegert, eds, *Law, Culture and Politics in the Twenty First Century*, Franz Steiner, 2004, pp.127-147.

“Legislating Human Rights”, in Luc Wintgens, ed, *Theory and Practice of Legislation: Essays in Legisprudence*, Ashgate (2005) pp. 219-238.

“Ethical Interpretation and Democratic Positivism” in Suzanne Corcoran and Stephen Bottomley, eds, *Essays in Statutory Interpretation*, Federation Press, (2005).

“Human Rights Strategies: An Australian Alternative”, in J. Goldsworthy, A. Stone and T. Campbell, eds, *Protecting Human Rights Without a Bill of Rights*, Aldershot: Ashgate (2006) pp. 319-341.

“Euthanasia as a Human Right” in S. McLean, ed, *First, Do No Harm*, Ashgate 2006, pp. 447-460.

“Poverty as a Violation of Human Rights: Inhumanity or Injustice?” in Thomas Pogge, ed, *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?*, Oxford: Oxford University Press 2007, pp. 55-74

“The normative grounding of corporate social responsibility: a human rights approach”, in McBarnet, D, Voiculescu, A. and Campbell, T., *The New Corporate Accountability: Corporate Social Responsibility and the Law*, (Cambridge: Cambridge University Press, 2007), pp.529-564.

“Legal Philosophy – 5 Answers” in Nielsen, M. (ed) *Legal Philosophy – 5 Questions*, Automatic Press, 2007.

“Emergency Strategies for Prescriptive Legal Positivists: anti-terrorist law and legal theory”, in (ed) Ramraj, Victor V., *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), pp. 201-228.

“Human Rights”, in (ed) McKinnon, Catriona, *Issues in Political Theory*, Oxford: Oxford University Press, 2008, pp. 194-217.

“Rights and Duties” in (ed) Cane, Peter and Conaghan, Joanne, *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008), pp. 102-102.

“Justice”, in (ed) Cane, Peter and Conaghan, Joanne, *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008), 160-162.

Journal Articles

“The Normative Fallacy”, 20 *Philosophical Quarterly*, 1970, pp 368-77.

"John Stuart Mill and Freedom of Speech", 4 *Il Pensiero Politico*, 1971,

"On Philosophy and Relevance", 9 *The Philosophical Journal*, 1972, pp130-39.

"Formal Justice and Rule-Change", 33 *Analysis*, 1973, pp 113-18.

"Humanity Before Justice", 4 *British Journal of Political Science*, 1974, pp 1-16.

"Formal Justice and Rule-Change: a Reply", 35 *Analysis*, 1974, pp 19-21.

"Rights Without Justice", 83 *Mind*, 1974, pp 445-48.

"Equality of Opportunity", 75 *Proc. of the Aristotelian Society*, 1974, pp 51-63.

"Perfect and Imperfect Obligation", *Modern Schoolman*, 1975, pp 285-301.

"Punishment in Juvenile Justice", 4 *Journal of Law and Society*, 1977, pp 77-86.

"Discretion and Rights within the Children's Hearing System", 14 *Philosophical Journal*, 1977, pp 1-21.

"Adam Smith and Natural Liberty", 25 *Political Studies*, 1977, pp 523-34.

"Antenatal Injury and The Rights of the Foetus", (with A J M McKay), 28 *Philosophical Quarterly*, 1978, pp 17-30.

"Counter-Productive Welfare Law", 11 *British Journal of Political Science*, 1981, pp 331-50.

"The Utilitarianism of Adam Smith's Policy Advice" (with I S Ross), 42 *Journal of the History of Ideas*, 1981, pp 73-92.

"The Socialist Concepts of Rights", 23 *Bulletin of the Australian Society of Legal Philosophy*, 1982, pp 72-104.

"The Theory and Practice of the Wise and Virtuous Man", (with I S Ross), 11 *Studies in Eighteenth-Century Culture*, 1982, pp 65-74.

"Compensation as Punishment", 7 *University of New South Wales Law Journal*, 1984, pp 338-61.

"Philosophy, Ideology and Rights", 5 *Legal Studies*, 1985, pp 10-19.

"Ethical Positivism" *Archives for Philosophy of Law and Social Philosophy*, 1985, pp 67-70.

"Power and Resistance: a Legal Perspective", *Societas Ethica Jahresbericht*, 1986, pp 29-51.

"The Rights of the Minor: As Person, As Child, As Adolescent and As Future Adult", *International Journal of Law and the Family*, 1992, pp 1-23.

"Collecting Legal Theories", *Current Legal Theory*, 1992, pp17-32.

"Ethical Markets", *Archives for Philosophy of Law and Social Philosophy*, 1992, pp. 201-7.

"Democracy, Human Rights and Positive Law", 16 *Sydney Law Review*, 1994, pp 195-212.

"Real Rights for Children", 2 *International Journal of Children's Rights*, 1994, pp 259-63.

"Mental Health Law: Institutionalised Discrimination", *Australian and New Zealand Journal of Psychiatry*, 1994, pp 1-6.

"The Point of Legal Positivism", 9 *King's College Law Review*, 1998, pp 63-87.

"Moral Autonomy for Lawyers", 2 *Legal Ethics*, Vol 1, 1998, pp 201-12

"Legal Positivism and Deliberative Democracy", 15 *Current Legal Problems*, 1998, pp 68-92.

"Human Rights: A Culture of Controversy", 26 *Journal of Law and Society*, 1999, pp 6-22.

"The Ethical Costs of Health Care", 8 *Australian Journal of Law and Medicine*, 1999, pp 191-2.

"Foreclosures", 25 *Australian Journal of Legal Philosophy* 2000, pp. 235-42.

"El sentido del positivismo juridico" 25 *Doxa* 2002, 3-3-332.

"Judicial Activism: Justice or Treason?" 10 *University of Otago Law Journal* 2003.

"Blaming Legal Positivism" 28 *Australian Journal of Legal Philosophy* 2003.

"Should Managers Talk about Rights?" 3 *Philosophy of Management*, 2003, pp.3-11.

"Global Justice, Human Rights and Multinational Corporations" (with Sheena Smith), 10 *Australian Journal of Professional and Applied Ethics* 2003, pp.53-71.

"A Human Rights Approach to Developing Voluntary Codes of Conduct for Multinational Corporations" , 16.2 *Business Ethics Quarterly* (2006) 255-69.

“Prescriptive Conceptualism: Liam Murphy, ‘Concepts of Law’”, 30 *Australian Journal of Legal Philosophy* (2006), pp.20-29.

“Does Anyone Win Under a Bill of Rights?” 25 *University of Queensland Law Journal*, 2006.

Editorial

Journals

- Editor, *The Australian Journal of Legal Philosophy*, 1999-on
- Associate Editor of *The Journal of Political Philosophy*, 1994-2001. *Editorial/Advisory Board*: *The British Journal of Political Science*, 1981-86, *Journal of Law and Medicine (since 1997)*, *The Edinburgh Law Review (since 1998)*, *The Federal Law Review (since 1995)*, *The Griffith Law Review (since 1997)*, *Res Publica (since 1998)*, and *The Journal of Applied Philosophy (since 2001)*, *International Journal of Law in Context (since 2004)*.

Other

- President, The Association for Legal and Social Philosophy (UK), 1987-90.
- Foundation President, The Australian Institute of Health, Law and Ethics (AIHLE), 1995-98.
- President, The Australian Society of Legal Philosophy, 1998-2007
- Member, Executive Committee, International Association for Philosophy of Law and Social Philosophy (IVR) since 1999.
- Consultant Editor, Ashgate Publishing Co.

Recent Presentations

- IVR, Granada, ‘Legal Positivism’, May 2005
- Prato, Italy, ‘Corporate Governance’ October 2005
- Audiology Australia, Sydney, ‘Business Ethics’, February 2006
- CAPPE, University of Melbourne, ‘The Business of Medicine’, 2006
- UNAM, Mexico City, ‘Legal Theory’, March 2006
- Australian Society of Legal Philosophy, Auckland, ‘Ethical Interpretation’, July 2006

- Australasian Philosophy Association, Canberra, 'Corporate Social Responsibility', July 2006
- IDEA Congress, Makerere University, Kampala, 'Development Ethics', July 2006
- Law Faculty, University of Queensland, 'Who Wins Under a Bill of Rights?' Aug 2006
- National University of Singapore, 'Legal Theory and States of Emergency', Jan 2007
- Doshisha University Law School, Kyoto, 'Strong Judicial Review', Feb 2007
- Faculty of Law, University College London, 'The Rule of Law', February 2007.
- Politics Department, Newcastle University, UK 'Prescriptive Legal Positivism' March 2007.
- National Europe Centre, Canberra, 'Human Rights, the Democratic Way', May 2007.
- IVR Congress, Cracow 'Slaying the Hydra," August 2007

Media

"Plato", ABC Radio 666, Canberra 21st November 2007.

"David Hume", ABC Radio 666, Canberra 28th November 2007.

"An Opportunity We Must Grab", *Canberra Times*, Tuesday December 16th.

"Human Rights-based judicial review: its seems a good idea at the time", *Dissent*, Number 27, Spring 2008, pp.13-15.

Intellectual Achievements

Identifying the radical implications for protection of civil rights which can follow from a positivist legal philosophy