

Matthew Lister

Associate Professor of Law, Bond University Law School
14 University Drive, Robina, Queensland, Australia mlister@bond.edu.au

Senior Fellow, Zicklin Center for Business Ethics Research
Wharton School of Business, University of Pennsylvania
<http://www.ssrn.com/author=410582>

Education

University of Pennsylvania

Ph.D. (Philosophy), 2009

Dissertation title: *Justice in Immigration*

Geo L. Harrison Graduate Fellowship (full funding, JD/PhD program)

University of Pennsylvania Law School

J.D. *cum laude*, 2006

James Wilson Scholarship

Sparer Public Interest Summer Fellowship

Penn Law School Public Service Award

State University of New York at Albany

M.A., Philosophy, 1999

Thesis title: *Promiscuous Realism and the Rejection of Scheme/Content Dualism*

Graduate Fellowship, 1997-98

Boise State University

B.A., *cum laude*, Philosophy and English minor, 1997

Philosophy department scholarship, 1996-97

Fellowships

Sharswood Post-Doctoral Fellowship in Law and Philosophy, University of Pennsylvania Law School, 2009-2011

Teaching Interests

- Immigration & Refugee Law
- Criminal Law
- International Economic & Trade Law
- Jurisprudence & Legal Philosophy
- Contracts
- Workplace & Employment Law
- Political Philosophy
- Business Ethics & Corporate Social Responsibility
- Business Associations

Publications

Major Publications

That's None of Your Business! On the Limits of Employer Control of Employee Behavior Outside of Working Hours, 35 CANADIAN JOURNAL OF LAW & JURISPRUDENCE 405 (2022) (peer reviewed)

The Generic Unauthorized 11 PHILOSOPHY AND PUBLIC ISSUES 91 (2021) (peer reviewed)

- Enforcing Immigration Law*, BLACKWELL PHILOSOPHY COMPASS (2020) (peer reviewed)
- Philosophical Foundations for Complementary Protection* in THE POLITICAL PHILOSOPHY OF REFUGE, David Miller and Christine Straehle, eds., Cambridge University Press. (2020)
- What Role for the State?, and a Comment on the Common Good: a discussion of Jonathan Crowe*, NATURAL LAW AND THE NATURE OF LAW AUSTRALASIAN JOURNAL OF LEGAL PHILOSOPHY (2019) (peer reviewed)
- Contract, Treaties, and Sovereignty* in SOVEREIGNTY AND THE NEW EXECUTIVE AUTHORITY, Claire Finkelstein and Michael Skerker, eds., Oxford University Press. (2019)
- The Rights of Families and Children At the Borders* in PHILOSOPHICAL FOUNDATIONS OF CHILDREN'S AND FAMILY LAW, Lucinda Ferguson and Elizabeth Brake, eds., Oxford University Press. (2018)
- Can the Rule of Law Exist at the Border? A Commentary on Gowder's THE RULE OF LAW IN THE REAL WORLD*, 62 ST. LOUIS UNIVERSITY LAW JOURNAL 323 (2018)
- A Tax Credit Approach to Addressing Brain Drain* (Symposium on "Taxation and Migration" contribution), 62 ST. LOUIS UNIVERSITY LAW JOURNAL 73 (2017)
- Applied Legal and Political Philosophy* (with Michelle Dempsey) in the BLACKWELL COMPANION TO APPLIED PHILOSOPHY, Lippert-Rasmussen, Brownlee, and Coady, eds., WILEY BLACKWELL. (2017)
- The Place of Persecution and Non-State Action in Refugee Protection* in THE ETHICS AND POLITICS OF IMMIGRATION: CORE ISSUES AND EMERGING TRENDS, Alex Sager, ed., Rowman and Littlefield Press. (2016)
- Self-Determination, Dissent, and the Problem of Populations Transfers* in THE THEORY OF SELF-DETERMINATION, Fernando Teson, ed., Cambridge University Press/ASIL Studies in International Legal Theory. (2016)
- Justice and Temporary Labor Migration* 29 GEORGETOWN IMMIGRATION LAW JOURNAL 95 (2014) (appeared in print in 2015)
- Empirical Desert, Dangerousness, and Limiting Retributivism: A Reply* (with Paul Robinson and Joshua Braton) 17 NEW CRIMINAL LAW REVIEW 312 (2014) (peer reviewed)
- Climate-Change Refugees* 17 CRITICAL REVIEW OF INTERNATIONAL SOCIAL AND POLITICAL PHILOSOPHY 619 (2014) (peer reviewed)
(Reprinted in NEW CHALLENGES IN IMMIGRATION THEORY, Akakpo and Lenard, eds., Routledge, 2015)
- Who are Refugees?* 32 LAW & PHILOSOPHY 645 (2013) (peer reviewed)
- There is No Human Right to Democracy. But May We Promote it Anyway?* 48.2 STANFORD JOURNAL OF INTERNATIONAL LAW 257 (2012)
- The Legitimizing Role of Consent in International Law*, 11 CHICAGO JOURNAL OF INTERNATIONAL LAW 663 (2011).
- Immigration, Association, and the Family*, 29 LAW & PHILOSOPHY 717 (2010) (peer reviewed).
(Reprinted in Thom Brooks, ed., RAWLS AND THE LAW, 2012).

Citizenship, in the Immigration Context, 70 MARYLAND LAW REVIEW 175 (2010).

Gang-Related Asylum Claims: an Overview and Prescription, 38 UNIVERSITY OF MEMPHIS LAW REVIEW 827 (2008) (symposium issue).

A Rawlsian Argument for Extending Family-Based Immigration Benefits to Same-Sex Couples, 37 UNIVERSITY OF MEMPHIS LAW REVIEW 749 (2007).

Well-Ordered Science: The Case of GM Crops, in *Ethics and the Life Sciences*, Special issue of the JOURNAL OF PHILOSOPHICAL RESEARCH (2007).

Shorter and/or Popular Pieces

Flaws in our Game Exposed, (on the Novak Djokovic saga) THE HAROLD SUN Jan. 16, 2022, 70.

What are the Duties of Academics? The Cultivation of Respect, the Importance of Disagreement, and the Limits of Speech in Universities (With Luara Feraccioli and Samuel Shpall), ABC ETHICS AND RELIGION (2021) <https://www.abc.net.au/religion/the-duties-of-academics-and-the-limits-of-speech-in-universities/13460562>

If Not in a University, Then Where? Academia Must Define Harm to Allow Open Debate on Difficult Issues (with Luara Ferracioli and Samuel Shpall), THE CONVERSATION (2021), <https://theconversation.com/if-not-in-a-university-then-where-academia-must-define-harm-to-allow-open-debate-on-difficult-issues-163355>

Climate Change, Refugees, and other Displaced Persons, STOCKHOLM CENTRE FOR THE ETHICS OF WAR AND PEACE (2019) <http://stockholmcentre.org/climate-change-refugees-and-other-displaced-persons/>

“Dreamers” and Others: Civil Disobedience and the Enforcement of Immigration Law, 17 AMERICAN PHILOSOPHICAL ASSOC. NEWSLETTER ON PHILOSOPHY AND HISPANIC/LATINO ISSUES 15 (2018)

Introduction: Symposium on Paul Gowder, THE RULE OF LAW IN THE REAL WORLD, 62 ST. LOUIS UNIVERSITY LAW JOURNAL 287 (2018)

Guest Editor’s Introduction: Book Symposium on Allen Buchanan, The Heart of Human Rights 36 LAW AND PHILOSOPHY 115 (2017)

Fixing the Cracking in the Global Liberal Order: Thoughts on Making the Case for Progressive Immigration After Brexit and Trump, THE CRITIQUE (2017) <http://www.thecritique.com/articles/fixingthecracking/>

Entries on “Sovereignty,” “Citizen,” “H.L.A. Hart,” and “Charles Beitz,” in THE RAWLS LEXICON, Mandle & Reidy, eds., Cambridge University Press, (2015).

The Use and Abuse of a Presumptive Obligation to Obey the Law: Some Comments on Dempsey on Finnis, 57 VILLANOVA LAW REVIEW 485 (2012)

Desert: Empirical, not Metaphysical (Comment on Robinson), in CRIMINAL LAW CONVERSATIONS, Paul Robinson, Kim Ferzan, & Stephen Garvey, eds., Oxford University Press, (2009).

Contractualism and the Sharing of Wrongs (Comment on Marshall and Duff), in CRIMINAL LAW CONVERSATIONS Paul Robinson, Kim Ferzan, & Stephen Garvey, eds., Oxford University Press, (2009).

Philosophy in Russia, AMERICAN PHILOSOPHICAL ASSOC. NEWSLETTER ON INTERNATIONAL COOPERATION (with Natasha Blokhina) (2001).

Teaching Feminism in Russia, in POSIDELKI (in Russian) (2001).

Book Reviews

Review of Michael Blake, Justice, Migration, and Mercy, 131 ETHICS 600 (2021)

Review of David Miller, Strangers in Our Midst: The Political Philosophy of Immigration, THE NEW RAMBLER REVIEW: [HTTP://NEWRAMBLERREVIEW.COM/BOOK-REVIEWS/PHILOSOPHY/ALIEN-IDEAS](http://newramblerreview.com/book-reviews/philosophy/alien-ideas) (2016)

Review of Corvino & Gallagher, Debating Same-Sex Marriage, 9 CRIMINAL LAW AND PHILOSOPHY 727 (2015) (Published on-line first, Nov. 2013)

Review of Bloser, Janvid, Matthiessen, & Willaschek, eds., Defeasibility in Philosophy: Knowledge, Agency, Responsibility, and the Law, NOTRE DAME PHILOSOPHICAL REVIEWS (2014)

Review of Evan Fox-Decent, Sovereignty's Promise: The State as Fiduciary, 123 ETHICS 150 (2012)

Review of Carl Knight, Luck Egalitarianism, 9 JOURNAL OF MORAL PHILOSOPHY 127 (2012).

Are Institutions and Empiricism Enough?, 2 TRANSNATIONAL LEGAL THEORY 127 (2011) (reviewing Allen Buchanan, *Human Rights, Legitimacy, and the Use of Force*).

Review of Gerald Gaus, The Order of Public Reason, NOTRE DAME PHILOSOPHICAL REVIEWS (2011).

Review of May and Hoskins, eds., International Criminal Law and Philosophy (commissioned for web blog "Concurring Opinions" book review project: https://www.academia.edu/238708/Review_of_May_and_Hoskins_International_Criminal_Law_and_Philosophy) (2010).

Works in Progress

When are Climate-Change Related Internally Displaced Persons of International Concern? (forthcoming in a volume on the philosophy of internally displaced persons edited by David Owen and Jamie Draper with Oxford University Press) (draft available)

Children, Families, and Immigration Enforcement (forthcoming in the ROUTLEDGE HANDBOOK OF THE ETHICS OF IMMIGRATION, Sahar Akhtar, ed.) (draft available)

Family Unification in Refugee and Asylum Law (With Eilidh Beaton, forthcoming in THE HANDBOOK OF MIGRATION ETHICS) (draft available)

Who is the Face of a Business? (draft available)

Punishment in a Just State (draft available)

Children, Families, and Immigration Enforcement (in preparation for a volume on the ethics of immigration)

LGTBQ Asylum and Refugee Claims: Problems and Prospects (draft available)

Steps Towards a More Just Australian Immigration Policy (in preparation for a volume global challenges in an Australian perspective, under contract with Routledge)

Taking Treaty Reservations Seriously (early stages)

When Should Corporations Cooperate with Law Enforcement Investigations? (early stages)

Legal Experience

Honorable Judge Dolores Sloviter, United States Court of Appeals for the Third Circuit

Law Clerk (2013-2014)

Honorable Judge Donald Pogue, United States Court of International Trade

Law Clerk (2007-2009)

Immigration Clinic, University of Pennsylvania Law School

Member (2003-05)

Co-director (2005-06)

Center for Gender and Refugee Studies, U.C. Hastings School of Law

Law Clerk (summer 2005)

HIAS & Council Migration Services of Philadelphia

Intern (summer 2004)

Academic Employment

Bond University School of Law

Associate Professor, July 2022 –

Deakin University School of Law

Senior Lecturer, 2017 – June 2022

Zicklin Center for Business Ethics Research, Wharton School of Business, University of Pennsylvania

Senior Fellow, 2017 – Present

Wharton School of Business, Department of Legal Studies, University of Pennsylvania

Lecturer, 2015-17

Visiting Assistant Professor, 2014-15

University of Pennsylvania Law School

Sharswood Fellow in Law and Philosophy, 2009-11

Lecturer, Spring 2012, Spring 2016

University of Denver, Sturm College of Law

Visiting Assistant Professor, 2012-13

Villanova University School of Law

Visiting Assistant Professor, 2011-12, Fall 2016

Teaching Experience

Associate Professor, Bond University Faculty of Law

Administrative Law (Spring 2022); Foundations of Corporate Governance (Spring 2022); Torts (scheduled, Fall 2023) (Southern Hemisphere terms)

Senior Lecturer, Deakin University School of Law

Workplace (employment) Law (Winter 2017, 2018, 2019, 2020, 2021); Law for Commerce Students (Summer 2017/18) Migration and Refugee Law (summer 2018/19, 19/20, 20/21, 21/22)(Southern Hemisphere terms)

Visiting Assistant Professor & Lecturer, Wharton School of Business, Department of Legal Studies and Business Ethics, University of Pennsylvania

Business Ethics and Corporate Social Responsibility (Fall 2014, Spring 2015, Fall 2015); International Business Ethics (Fall 2014); Law of Corporate Management and Finance (Spring 2016); Responsibility [MBA Course] (Spring 2016); Introduction to Legal Studies (Fall 2016, Spring 2017)

Visiting Assistant Professor, Villanova University School of Law

Courses: Criminal Law (Fall 2016); Immigration Law and Policy (Fall 2011); Jurisprudence (Spring 2012)

Lecturer, University of Pennsylvania Law School

Legal and Ethical Issues in Corporate Responsibility (Spring 2016); International Business Transactions (Spring 2012)

Visiting Assistant Professor, University of Denver, Sturm College of Law

Courses: Immigration Law and Policy (Fall 2012); Administrative Law (Fall 2012, Summer 2013) International Business Transactions (Spring 2013); Criminal Law Theory Seminar (Spring 2013)

Sharswood Fellow, University of Pennsylvania Law School

Courses: Philosophical Foundations of International Law (Spring 2010, 2011); Criminal Law Theory: Criminalization (Fall 2010)

Lecturer and Teaching Fellow, University of Pennsylvania College of Arts & Sciences

As Lecturer with full responsibility: Ethical Issues in Globalization; Philosophical Foundations of International Law; Philosophy and Individual Rights; Legal Enforcement of Morality; Social Contract ; Courses as teaching fellow: Social Contract; Philosophy of Law; Philosophy of Space and Time; Justice, Law, and Morality. (2002-2009, 2011, 2015)

United States Peace Corps Volunteer Program: Western Russia, Ryazan State Pedagogical University

Courses: First- and second-year American English, American Studies and English for School Teachers, American Studies for English Students. (1999-2001)

SUNY Albany

Courses as teaching assistant: Introduction to logic, Introduction to Ethical Theory, Philosophy and Race (1998-1999).

Invited Presentations and Conferences (Last Several Years Only)

Historical Injustice and Human Rights (Scheduled for the American Philosophical Assoc. Central Division Meeting, Denver, CO, Feb. 2023.)

Gang-Related Asylum Claims and the Foundations of Refugee Law (Presented at a conference on gang-induced migration at Ruhr-Universität, Bochum, Germany, Nov. 2022)

Children, Families, and Immigration Enforcement (Julius Stone Institute of Jurisprudence Workshop series, University of Sydney Law School, Sept. 15, 2022)

Who is the Face of a Business? (Presented at the University of Melbourne Law School Legal Theory workshop series, August 2021, and to the Department of Philosophy, University of Pennsylvania, March 2022)

Can There be a Duty to Stop Being an Exile? (Author Meets Critics session on Ashwini Vasanthakumar, *THE ETHICS OF EXILE. A POLITICAL THEORY OF DIASPORA*) (Presented [remotely] at the American Philosophical Association Central Division Meeting, Feb. 2022)

When are Climate-Change Related Internally Displaced Persons of International Concern? (Presented [remotely] at a workshop on internally displaced persons, Oxford University, Jan. 2022)

Undesirable Aliens (Presented at the Eugenic Thinking in Australia: An Anti-Eugenics Centennial workshop, Sponsored by the University of Western Australia, Sept. 2021)

Taking Reservations in International Treaties Seriously (Presented at the Deakin University Philosophy Department Philosophy Roundtable, Feb. 2020)

Crowe's NATURAL LAW AND THE NATURE OF LAW: A Commentary (book symposium section for the 2019 Australasian Society for Legal Philosophy Conference, July 2019)

Functionalism, Formalism, and the Family: A Commentary on Sarah Song's DEMOCRACY AND IMMIGRATION (Presented at the 2019 American Philosophical Association Pacific Division meeting, April 2019)

Peoples or States: Where is the Right to Regulate Immigration Situated? (Presented at the Kadish Center, University of California at Berkeley Law School, March 2019)

Problems and Prospects in LGBTQ Asylum Claims (Presented at a workshop on LGBTQ issues in immigration and refugee law, University of Ottawa, Nov. 2018 and at the Australasian Society for Legal Philosophy Conference, July 2019)

Who is the Face of a Business? (Presented at the 2018 Australasian Society for Legal Philosophy Conference, July 2018)

Philosophical Foundations for Complementary Protection (Presented at a session of the Julius Stone Institute for Jurisprudence, University of Sydney Law School, May 2018 and a philosophy department colloquium at Monash University, August 2018)

Democracy as a Feasibility Constraint on Immigration Policy (Presented at a conference on Feasibility and Immigration at the Australian National University, RSSH, March 2018)

That's None of Your Business! On the Limits of Employer Control of Out of Work Behavior (Presented to the University of Melbourne Applied Ethics Colloquium Series, September 2017)

Refugees and the Problem of Durable Solutions (Invited Presentation at the Great Lakes Philosophy Conference, Adrien Michigan) (2017)

A Tax-Credit Approach to addressing Brain Drain (Presented at the Northwest Political Science

Association Meeting, Portland, OR, 2016 and a symposium on taxation and migration at St. Luis University Law School) (2017)

David Miller's STRANGERS IN OUR MIDST: A POLITICAL PHILOSOPHY OF IMMIGRATION, an Evaluation (Author-meets Critics session, Association for the Study of Nationalities World Conference, Columbia University, April, 2016)

The Diversity and Disunity of International Law: What the Philosophy of International Law can Learn from International Economic Law (Presented at a session on methodology in international legal philosophy for the 2015 IRV conference, Washington DC) (July 2015)

Lessons from the Diversity of International Law (Comment on John Tasioulas, "Custom, Jus Cogens and Human Rights"), Villanova University School of Law 2015 Joseph T. McCullan Jr. Symposium On Catholic Social Thought. (April 2015)

Dreamers and Others: Immigration Protests as Civil Disobedience, American Philosophical Association Eastern Division Meeting, Philadelphia PA (December 2014)

Punishment in a Just State, University of Canterbury, New Zealand Law School faculty workshop (December 2013)

Commenter for Benforado and Goodwin, *Judging the Goring Ox*, Conference on Empirical Legal Studies, University of Pennsylvania (October, 2013)

Contract, Treaties, and Sovereignty,

- Conference on Sovereignty and the New Executive Power, University of Pennsylvania Law School Center for Ethics and the Rule of Law (April 2013)
- Zicklin Center Normative Business Ethics Workshop, Wharton School of Business (Dec. 2014)
- Junior International Law Scholars Annual Conference, Miami, FL, (Jan. 2015)

Comments on Christopher Bennett, *Penal Disenfranchisement*, Robina Institute for Criminal Law and Criminal Justice, University of Minnesota Law School (March 2013)

Commenter for Jill Deltson, *The Criminalization of Money Laundering*, American Philosophical Association Central Division Meeting, (February 2013)

Justice and Temporary Labor Migration,

- Wharton School of Business Legal Studies and Ethics Workshop (Jan. 2013)
- Washington & Lee Law School faculty workshop (March 2012)

Self-Determination, Dissent, and the Problem of Populations Transfers

- State Higher School for Economics Department of Philosophy workshop, Moscow, Russia (April 2013)
- American Society for International Law Legal Theory Conference, Washington DC (Nov. 2012)

Moral Issues in Immigration Law and Policy, Boise State University Philosophy Department Lecture Series, (October 2012)

Using and Abusing Presumptions in Finnis's Legal Theory (Comment on Dempsey), John F. Scarpa Conference on the work of John Finnis, Villanova Law School (September 2011)

Who Are Refugees?

- Washington & Lee University Dept. of Philosophy Lecture Series (March 2012)

- “Emerging Immigration Law Scholars” Conference, American University, Washington School of Law (May, 2011)
- University of Pennsylvania Law School Faculty Ad Hoc Series (March, 2011)
- AALS Annual Meeting, New Voices on Human Rights panel (January 2008)

Service to the Profession

American Philosophical Assoc. Committee on Law and Philosophy,

Committee Chair: July 2015-2018; Committee member: July 2011-15

Organized and chaired sessions at APA meetings on human rights, *mala prohibita* offenses, international criminal law, the history of philosophy as philosophy of law, topics in philosophy of international law, The Thin Justice of International Law, the rule of law, and the enforcement of immigration law.

Chaired Sub-Committee for Berger Prize in Law and Philosophy, 2014

Peer reviewer/referee for the journals *University of Chicago Law Review*; *International Journal of Refugee Law* (three times); *Ethics*; *Law and Philosophy* (five times); *International Criminal Law Review*; *Journal of International Migration and Integration*; *Journal of Social Philosophy* (seven times); *Journal of International Criminal Justice*; *Canadian Journal of Philosophy* (four times); *Philosophy and Social Criticism*; *Philosopher’s Imprint*; *Criminal Law and Philosophy* (eight times); *Ethical Perspectives*; *Ethics & Global Politics*; *Journal of Politics* (three times); *Legal Theory*; *Revista de Estudios Sociales*; *Social Theory and Practice* (five times); *Political Studies* (four times); *Global Governance*; *Les Ateliers de l'éthique*; *Ethics, Policy, & Environment*; *Journal of Applied Philosophy* (five times); *Critica Revista*; *Politics, Groups, and Identities*; *Business Ethics Quarterly* (twice); *The Journal of Common Market Studies* (twice); *European Journal of Political Theory* (five times); *Analysis* (twice); *Global Justice: Theory, Practice and Rhetoric*; *The Journal of Political Philosophy* (three times); *The Journal of Ethics and Social Philosophy* (seven times); *Politics, Philosophy, and Economics* (four times); *Public Affairs Quarterly*; *The Journal of Refugee Studies*; *Philosophy Compass*; *Environmental Politics*; *American Political Science Review* (three times); *American Journal of Political Science* (twice); *Erasmus Journal of Philosophy and Economics*; *Res Publica*; *Human Rights Review*; *Radical Philosophy Review*; *Journal of Bioethical Inquiry* (twice); *Ethical Theory and Moral Practice*; *Philosophical Studies*; and *The Journal of the American Philosophical Association*

Book Proposal referee for Routledge Press Political Science Division, Oxford University Press for workplace law, Bloomsbury Press for political philosophy, and Broadview Press for business ethics

American Section of the International Association for Philosophy of Law and Social Philosophy (AMINTAPHIL) Program Committee, 2014 annual conference

External PhD Dissertation Examiner, Department of Philosophy, University of Auckland (2020)

Melbourne Political, Legal, and Social Theory Network Steering Committee member (2021 -)

Professional Memberships

Australasian Society for Legal Philosophy

American Philosophical Association

American Section of the International Association for Philosophy of Law and Social Philosophy

New York Bar (admitted 2008)

Languages

English (native)

Russian (fair, reading and speaking)

German (reading with dictionary)

References

Dr. Sarah Song

Professor of Law and Professor of Political Science, University of California at Berkeley

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Dr. Alan Strudler

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Dr. Brian Bix

Fredrick W. Thomas Professor of Law and Philosophy, University of Minnesota Law School

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Professor of Law, Villanova University School of Law

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Dr. Michael Blake

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Professor Paul Robinson

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Dr. Stephen Perry
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Dr. Andrew Koppelman
John Paul Stevens Professor of Law and Political Science, Northwestern University School of Law
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Research Agenda Matthew Lister

My research employs the critical and normative tools of moral and political philosophy to analyze a range of areas in the law and politics, including immigration and citizenship, criminal law, cross-border economic movements, corporate law and social responsibility, and public international law. I consider the doctrinal and institutional structures of these areas of law and politics, and use the tools of moral and political philosophy to provide a normative account. In looking at trade and the regulation of cross-border economic activities, immigration and the movement of peoples, the development of international legal bodies, and the social obligations of businesses, I explore the question of how these institutions should be ordered if they are to be just, legitimate, and fair to all involved. I am particularly interested in the question of how these areas do or should relate to criminal law – when we should deal with “problems” in the area via criminal law, and when other means are more appropriate. As I am especially interested in questions of criminalization, and the role of punishment in a just state, the connection between criminal law and other areas of law is especially important for me. More detail about my research on distinct topics is provided below.

Immigration

I have published a number of papers on immigration, including papers on refugees, citizenship and naturalization policy, temporary labor migration, problems flowing from the migration of skilled workers; and family-based immigration. These papers form part of an on-going project to develop an account of the normative limits on the discretion states should have in setting their own immigration policies. I have recently published papers looking specifically at the rights of families and children in border context, the role of persecution and non-state actors in refugee protection, and the enforcement of immigration law. I am especially interested in continuing this last line of research in relation to connections between criminal law and immigration law. In the slightly longer term I will re-work this material in light of comments on the published work and join it with a detailed account as to why there is no general or basic right to free movement between states, with the goal of publishing the completed work as a book with a university press. I am particularly interested in the relationship between immigration law and family law, and expect to continue research in this area, exploring both the intersection between family relationships and refugee protection, and the ways in which family ties should provide a shield from removal in significantly more cases than currently accepted in the immigration law of many states.

Workplace/Labor Law and Corporate Social Responsibility and Business Ethics

I am in the process of writing several papers on the appropriate actions of business in a just society and international order. First, I am completing two papers on how far, if at all, employers should be able to control the activities of their employees outside of working hours. In the first paper I consider such topics as coercive “incentive” programs used in relation to health benefits, employer monitoring of social media, restrictions on political speech or activity, refusal to hire smokers, and employee drug testing. I argue that, with few exceptions, employers ought not be able to condition employment on approved behavior outside of working hours. The second paper in this series argues that one exception to the rule that employees typically ought not be held liable to their employers for their outside of work behavior arises when the employee is properly seen as a “face” of, or as representing, the business. I then show which employees can properly be seen as the face of a business and why this is relevant. Another project, in an earlier stage, will look at when, if ever, companies have an obligation to assist law enforcement officials in investigations that the company is not itself directly involved in. In this paper I will identify the relevant considerations and evaluate when they might justify not cooperating with a law enforcement investigation. I also have significant teaching and research interests in understanding, and responding to, white-collar crime.

International Law and Economic Regulation

My work in this area explores how international law – especially but not only the law of international economic regulation and trade – can be made fairer and more legitimate. I will build on the account of legitimate jurisdiction for international bodies developed in my paper in the *Chicago Journal of International Law* to provide an account of when, and under what conditions, trade agreements and other international regulations are fair and legitimate, thereby bringing analytic and normative rigor to the idea of “fair trade” and development. I have recently published a paper exploring how ideas from contract law may be extended to international economic treaties, including trade agreements, so as to make such agreements sovereignty-preserving or enhancing rather than sovereignty-limiting, in the hopes of promoting further mutually beneficial economic activity. I am also revising a paper on the lessons that philosophers of international law can learn by considering international economic law more closely than they have in the past, and am in the early stages of writing a paper on reservations in international treaties, exploring when, if ever, they promote international cooperation and improve the legitimacy of the international legal system.

Criminal Law Theory

I have broad, strong, interest in criminal law, especially in questions about the nature of criminalization - why some bad acts are treated as crimes while others are not - and the justification for having a punitive criminal justice system. To this end I am revising a paper building on my contributions to the “Criminal Law Conversations” project in on the nature of punishment in a just state. In this paper, currently under revision, I explore how our views on punishment might change if we look at it not from the perspective of (individual) moral philosophy, but rather from an institutional perspective. I am also particularly interested in the intersections of criminal and corporate law, and criminal law and immigration, especially as to questions about when, if ever, criminal violations should serve as grounds for the removal of immigrants, and when, if ever, violations of immigration law should be treated as crimes. In my work on criminal law, I am especially interested in making interdisciplinary connections drawing on research as to what sorts of responses to crime and best reduce crime while also respecting and promoting just relationships between citizens and other members of a society.

Methodology in Legal and Political Philosophy

Much work in law and politics can be understood as constructing and implementing policies. Ideally, these policies will be just and practical ones. However, I have come to believe that many philosophers working in legal and political philosophy have not fully understood the importance of policies to law and politics. In particular, they have often not appreciated that policies will always be both under and over inclusive. That is to say, the justifying grounds of a policy will often stretch further than the policy itself (making the policy under-inclusive) and some actions/facts/things will fall under the policy that are not contemplated by the justification for the policy (making it over-inclusive.) This is a commonplace in law that all law students learn, and cannot be eliminated in practice. And yet, it seems to me to be not properly appreciated by philosophers, who tend to treat such cases as philosophical counter-examples, something similar to “Gettier” cases, rather than what they are – as anomalies that have to be dealt with in other, usually practical, ways. Building on some discussion in my co-authored piece on applied legal and political philosophy, I hope to develop this point into a wider discussion of the proper methodology for legal and political philosophy, seeking to move it beyond conceptual analysis to a more practical footing.