

## EVAN J. CRIDDLE

Ernest W. Goodrich Professor of Law & W. Taylor Reveley, III Research Professor  
William & Mary Law School  
613 South Henry Street, Williamsburg, Virginia, 23187-8795  
ejcriddle@wm.edu

### ACADEMIC APPOINTMENTS

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#### WILLIAM & MARY LAW SCHOOL

Ernest W. Goodrich Professor of Law (2019-present)  
W. Taylor Reveley, III Research Professor (2021-2022)  
Cabell Research Professor (2016-2017, 2018-2019)  
Tazewell Taylor Research Professor (2014-2015)  
Professor of Law (2013-2019)

#### SYRACUSE UNIVERSITY COLLEGE OF LAW

Associate Professor (2011-2013)  
Assistant Professor (2007-2011)

### BOOKS

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#### MANDATORY COOPERATION UNDER INTERNATIONAL LAW

(Cambridge University Press, forthcoming 2024) (with Evan Fox-Decent)

#### THE OXFORD HANDBOOK OF FIDUCIARY LAW

(Oxford University Press 2019) (with Paul B. Miller & Robert H. Sitkoff, editors)

\* Chinese and Japanese translations forthcoming

#### FIDUCIARY GOVERNMENT

(Cambridge University Press 2018) (with Evan Fox-Decent, Andrew S. Gold, Sung Hui Kim & Paul B. Miller, editors)

#### FIDUCIARIES OF HUMANITY: HOW INTERNATIONAL LAW CONSTITUTES AUTHORITY

(Oxford University Press 2016) (with Evan Fox-Decent)

\* response essays by Seth Davis, Chimène Keitner, Frédéric Mégret, Jens Ohlin, Kimberley Trapp & Edmund Robinson published in the *McGill L.J.*

#### HUMAN RIGHTS IN EMERGENCIES

(Cambridge University Press 2016) (editor)

### ARTICLES, ESSAYS & BOOK CHAPTERS

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#### *Legal Order at the Border*

56 U.C. DAVIS LAW REVIEW (forthcoming 2023)

#### *The Authority of International Refugee Law*

62 WILLIAM & MARY LAW REVIEW 1067 (2021) (with Evan Fox-Decent) (symposium)

\* featured on *Jotwell*

#### *The Case Against Prosecuting Refugees*

115 NORTHWESTERN UNIVERSITY LAW REVIEW 717 (2020)

***Stakeholder Fiduciaries***

FIDUCIARIES AND TRUST: ETHICS, POLITICS, ECONOMICS, AND LAW (Matthew Harding & Paul B. Miller eds., Cambridge University Press 2020)

***Mandatory Multilateralism***

113 AMERICAN JOURNAL OF INTERNATIONAL LAW 272 (2019) (with Evan Fox-Decent)

***Fiduciary Principles in International Law***

THE OXFORD HANDBOOK OF FIDUCIARY LAW (Evan J. Criddle, Paul B. Miller & Robert H. Sitkoff eds., Oxford University Press 2019)

***Introduction***

THE OXFORD HANDBOOK OF FIDUCIARY LAW (Evan J. Criddle, Paul B. Miller & Robert H. Sitkoff eds., Oxford University Press 2019) (co-authored with co-editors)

***The Internal Morality of International Law***

63 MCGILL LAW JOURNAL 765 (2018) (with Evan Fox-Decent) (symposium on *Fiduciaries of Humanity*)

\* Spanish translation to be published in *Revista Jurídica Austral*

***Guardians of Legal Order: The Dual Commissions of Public Fiduciaries***

FIDUCIARY GOVERNMENT (Evan J. Criddle et al. eds., Cambridge University Press 2018) (with Evan Fox-Decent)

***Introduction – Fiduciary Government: Promise, Provenance, and Pitfalls***

FIDUCIARY GOVERNMENT (Evan J. Criddle et al. eds., Cambridge University Press 2018) (with co-editors)

***Fiduciary Law's Mixed Messages***

RESEARCH HANDBOOK ON FIDUCIARY LAW (Andrew S. Gold & D. Gordon Smith eds., Edward Elgar Publishing 2018)

\* featured on the *Oxford Business Law Blog*

***Liberty in Loyalty: A Republican Theory of Fiduciary Law***

95 TEXAS LAW REVIEW 993 (2017)

\* featured on *Jotwell*

***Keeping the Promise of Public Fiduciary Theory: A Reply to Leib and Galoob***

126 YALE LAW JOURNAL FORUM 192 (2016) (with Evan Fox-Decent)

***Customary Constraints on the Use of Force: Article 51 with an American Accent***

29 LEIDEN JOURNAL OF INTERNATIONAL LAW 67 (2016) (with William Banks)

***The Constitution of Agency Statutory Interpretation***

69 VANDERBILT LAW REVIEW EN BANC 325 (2016) (response essay)

\* *Legal Theory Blog* "Download of the Week"

***Protecting Human Rights During Emergencies: Delegation, Derogation, and Deference***

HUMAN RIGHTS IN EMERGENCIES (Evan J. Criddle ed., Cambridge University Press 2016)

***Introduction – Testing Human Rights Theory During Emergencies***

HUMAN RIGHTS IN EMERGENCIES (Evan J. Criddle ed., Cambridge University Press 2016)

*Standing for Human Rights Abroad*

100 CORNELL LAW REVIEW 269 (2015)

*Three Grotian Theories of Humanitarian Intervention*

16 THEORETICAL INQUIRIES IN LAW 473 (2015)

*Protecting Human Rights During Emergencies: Delegation, Derogation, and Deference*

45 NETHERLANDS YEARBOOK OF INTERNATIONAL LAW 197 (2015)

*Against Methodological Stare Decisis*

102 GEORGETOWN LAW JOURNAL 1573 (2014) (with Glen Staszewski)

*A Sacred Trust of Civilization: Fiduciary Foundations of International Law*

PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW (Andrew S. Gold & Paul B. Miller eds., Oxford University Press 2014)

*Humanitarian Financial Intervention*

24 EUROPEAN JOURNAL OF INTERNATIONAL LAW 583 (2013)

\* selected for the inaugural Junior Faculty Forum for International Law

*Proportionality in Counterinsurgency: Reconciling Human Rights and Humanitarian Law*

COUNTERINSURGENCY LAW: NEW DIRECTIONS IN ASYMMETRIC WARFARE (William C. Banks ed., Oxford University Press 2013)

*Proportionality in Counterinsurgency: A Relational Theory*

87 NOTRE DAME LAW REVIEW 1073 (2012)

*Interest Balancing vs. Fiduciary Duty: Two Models for National Security Law*

13 GERMAN LAW JOURNAL 542 (2012) (with Evan Fox-Decent) (peer review)

*Human Rights, Emergencies, and the Rule of Law*

34 HUMAN RIGHTS QUARTERLY 39 (2012) (with Evan Fox-Decent)

*When Delegation Begets Domination: Due Process of Administrative Lawmaking*

46 GEORGIA LAW REVIEW 117 (2011)

*Mending Holes in the Rule of (Administrative) Law*

104 NORTHWESTERN UNIVERSITY LAW REVIEW 1271 (2010)

*Fiduciary Administration: Rethinking Popular Representation in Agency Rulemaking*

88 TEXAS LAW REVIEW 441 (2010)

\* response essays by Richard Pierce and Glen Staszewski in *Texas Law Review* See Also

*The Fiduciary Constitution of Human Rights*

15 LEGAL THEORY 301 (2009) (with Evan Fox-Decent)

*A Fiduciary Theory of Jus Cogens*

34 YALE JOURNAL OF INTERNATIONAL LAW 331 (2009) (with Evan Fox-Decent)

\* Farsi translation published in the Iranian *International Law Review* (2012)

**Chevron's Consensus**

88 BOSTON UNIVERSITY LAW REVIEW 1271 (2008)

**Fiduciary Foundations of Administrative Law**

54 UCLA LAW REVIEW 117 (2006)

**The Vienna Convention on the Law of Treaties in U.S. Treaty Interpretation**

44 VIRGINIA JOURNAL OF INTERNATIONAL LAW 431 (2004)

**Chevron Deference and Treaty Interpretation**

112 YALE LAW JOURNAL 1927 (2003) (student comment)

**Review, Susan Marks, *The Riddle of All Constitutions: International Law, Democracy, and the Critique of Ideology***

26 YALE JOURNAL OF INTERNATIONAL LAW 882 (2001) (student comment)

**POPULAR MEDIA AND OTHER WRITINGS**

*Rebuilding Ukraine Will Be Costly. Here's How To Make Putin Pay.*, POLITICO, Mar. 30, 2022

*The Rise of Fiduciary Law as a Field of Study*, COLUMBIA LAW SCHOOL BLUE SKY BLOG, Oct. 3, 2019 (with Paul B. Miller & Robert H. Sitkoff)

*The Method in Fiduciary Law's Mixed Messages*, OXFORD BUSINESS LAW BLOG, Apr. 13, 2017

*Holding the UP Faculty in Contempt Would Be a Grave Mistake*, OPINIO JURIS, Oct. 26, 2010 (with Evan Fox-Decent)

*Deriving Peremptory Norms from Sovereignty*, 103 ASIL PROCEEDINGS 71 (2009) (with Evan Fox-Decent)

*YJIL Symposium: A Fiduciary Theory of Jus Cogens*, OPINIO JURIS, Oct. 19, 2009 (with Evan Fox-Decent)

**COURSES**

International Law	Administrative Law
Immigration and Refugee Law	Refugee Law and Policy
Civil Procedure	Laws of War

**EDUCATION**

**YALE LAW SCHOOL, J.D.** (2003)

Essays Editor, *Yale Law Journal*

Articles Editor, *Yale Journal of International Law*

Lowenstein Human Rights Project

Research Assistant, Professors Judith Resnik & Boris Bittker

**BRIGHAM YOUNG UNIVERSITY, B.A.**, (2000)

*Magna cum laude* with University Honors  
Trustees Scholar (full-tuition academic scholarship), Writing Fellow  
Russian Department Outstanding Paper Award; Chapter President, Dobro Slovo Honors Society  
Teaching Assistant, Professors David Hart, Beth Hedengren, Liisa London & Thomas Rogers

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**PROFESSIONAL EXPERIENCE**

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**CLEARY GOTTLIEB STEEN & HAMILTON LLP**

Litigation Associate, New York, NY (2004-2007)  
Summer Associate, New York, NY & Moscow, Russia (Summer 2002)

**U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT**

Law Clerk, Honorable J. Clifford Wallace, San Diego, CA (2003-2004)

**U.S. ATTORNEY'S OFFICE, EASTERN DISTRICT OF NEW YORK**

Legal Intern, Andrew Weissmann, Chief of the Criminal Division, Brooklyn, NY (Summer 2001)

**U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION**

Legal Intern, Civil Task Force, Washington, DC (Summer 2001)

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**FELLOWSHIPS, GRANTS & AWARDS**

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**SOCIAL SCIENCE AND HUMANITIES RESEARCH COUNCIL OF CANADA**

Insight Grant, C\$189,411 (2017-2022) (with Evan Fox-Decent)  
Insight Grant, C\$153,390 (2012-2016) (with Evan Fox-Decent)  
Standard Grant, C\$95,000 (2009-2012) (with Evan Fox-Decent & Malcolm Thorburn)

**COLLEGE OF WILLIAM & MARY**

Blackstone Lecturer (2017)  
Plumeri Award for Faculty Excellence (2015) (university-wide award)

**SYRACUSE UNIVERSITY**

Research Fellowship, Institute for the Study of the Judiciary, Politics & the Media (2008-2009)

**LEGAL AID SOCIETY OF NEW YORK**

*Pro Bono Publico* Award for Outstanding Service in Immigration Proceedings (2006)

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**CONFERENCES & WORKSHOPS ORGANIZED**

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**William & Mary International Law Workshop**

William & Mary Law School (2015-present) (annual co-convener with Nancy Combs)

**The Future of Fiduciary Law**

William & Mary Law Review Symposium, William & Mary Law School (2020)

**New Perspectives on International Legal Theory Roundtable**

ASIL Annual Meeting, Washington, DC (2018, 2019) (co-convener with Harlan Grant Cohen)

**Fiduciaries of Humanity and International Law**

McGill Law Journal Symposium, McGill University, Montreal, Canada (2018) (co-convener with Evan Fox-Decent)

**Fiduciary Law: Charting the Field**

Harvard Law School (2017) (co-convener with Paul Miller & Robert Sitkoff)

**Fiduciary Government**

UCLA Law School (2017) (co-convener with Evan Fox-Decent, Andrew Gold, Sung Hui Kim & Paul Miller)

**Authority in International Law: New and Traditional Approaches**

ASIL-ESIL-MPIL International Legal Theory Workshop, Vienna University of Economics and Business, Vienna, Austria (2014) (co-convener with Jörg Kammerhofer & Alexandra Kemmerer)

**Human Rights in Emergencies**

ASIL International Legal Theory Workshop, Washington, DC (2014)

**Politics and Principle in International Legal Theory**

ASIL-ESIL-Rechtskulturen International Legal Theory Workshop, University of Michigan Law School (2013) (co-convener with Jörg Kammerhofer & Alexandra Kemmerer)

**Transatlantic Debates in International Legal Theory**

ASIL-ESIL-Rechtskulturen International Legal Theory Workshop, Lauterpacht Centre for International Law, University of Cambridge, UK (2012) (co-convener with Jörg Kammerhofer & Alexandra Kemmerer)

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**SELECTED JUDICIAL CITATIONS**

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**Nevsun Res. Ltd. v. Aruya**, 2020 SCC 5 (37919) (Sup. Ct. of Canada) (citing *A Fiduciary Theory of Jus Cogens*)

**El Pueblo de Puerto Rico v. Santiago Cruz**, 2020 TSPR 99 (P.R. Sept. 8, 2020) (Sup. Ct. of Puerto Rico) (Justices Martínez and Asociado, dissenting) (citing *Human Rights, Emergencies, and the Rule of Law*)

**Cabeda v. Attorney General**, 971 F.3d 165 (3d Cir. Aug. 18, 2020) (citing *Against Methodological Stare Decisis*)

**Kisor v. Wilkie**, 139 S. Ct. 2400 (2019) (Justices Gorsuch, Thomas, and Kavanaugh, concurring) (citing *Against Methodological Stare Decisis*)

**Saleh v. Bush**, 848 F.3d 880 (9th Cir. 2017) (citing *A Fiduciary Theory of Jus Cogens*)

**American Farm Bureau v. E.P.A.**, 792 F.3d 281 (3d Cir. 2015) (citing *Against Methodological Stare Decisis*)

**Yousuf v. Samantar**, 699 F.3d 763 (4th Cir. 2012) (citing *A Fiduciary Theory of Jus Cogens*)

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**SELECTED PRESENTATIONS**

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**Mandatory Cooperation Under International Law**

Legitimacy of International Courts and Tribunals Workshop, University of Oslo (2022)

Law and Philosophy Roundtable, University of Richmond (2022)

International Law Workshop, William & Mary Law School (2022)

**Legal Order at the Border**

Law & Society Association Annual Meeting (2022)

Faculty Workshop, William & Mary Law School (2022)  
ASIL Research Forum (via Zoom) (2021)  
International Law and Political Theory Workshop (via Zoom) (2021)  
Faculty Colloquium, Syracuse University College of Law (2021)

#### **The Case Against Prosecuting Refugees**

Distinguished Lecturer, Impunity Watch, Syracuse University (2021)  
Colloquium on International Law and Cosmopolitan Justice, McGill University (via Zoom) (2021)  
ASIL Annual Meeting (via Zoom) (2020)  
ASIL International Law in Domestic Courts Workshop, Lewis & Clark Law School (2019)

#### **The Authority of International Refugee Law**

International Law and Political Theory Workshop (via Zoom) (2020)

#### **China's Approach to International Law: Historical and Contemporary Perspectives**

U.S. Army/Interagency Strategic Broadening Seminar, William & Mary (2020)

#### **Performance Rules: Supervisory Jurisdiction in Private Law and International Law**

William & Mary Law Review Symposium, William & Mary Law School (2020)

#### **Mandatory Multilateralism**

Workshop on "Sovereignty, Justice, and International Law," European Consortium for Political Research, Université catholique de Louvain, Mons, Belgium (2019)  
European Society of International Law Annual Meeting, University of Manchester, UK (2018)  
International Law Workshop, William & Mary Law School (2018)  
Faculty Scholarship Slam, William & Mary Law School (2018)

#### **Human Rights in Emergencies: Three Legal Models**

Case Western Reserve University (via skype) (2017, 2019)

#### **Stakeholder Fiduciaries**

Second International Fiduciary Law Workshop, Hong Kong University (2018)  
Conference on "Fiduciaries and Trust," University of Melbourne (2018)

#### **Guardians of Legal Order: The Dual Commissions of Public Authorities**

Workshop on "Fiduciary Government," UCLA Law School (2017)  
Workshop on "Ideas in Fiduciary Law," Notre Dame Law School (2017)

#### **Fiduciary Principles in International Law**

Conference on "Fiduciary Law: Charting the Field," Harvard Law School (2017)

#### **The Moral and Legal Foundations of the Refugee Crisis**

Ethics Awareness Week, Utah Valley University (2017)

#### **States and Other International Institutions as Fiduciaries of Humanity**

ASIL Symposium: "The Future of the State," Washington, DC (2016)

#### **Liberty in Loyalty: A Republican Theory of Fiduciary Law**

Transnational Law Workshop, Washington & Lee Law School (2016)  
Fiduciary Law Workshop, Duke Law School (2016)  
Faculty Scholarship Slam, William & Mary Law School (2015)  
Law and Society Annual Meeting, Seattle, WA (2015)

**The International Right to Refuge**

St. George Tucker Lecture, William & Mary Law School (2016)

**Humanizing International Sanctions and Countermeasures**

Canadian Council on International Law Annual Conference, Ottawa, Canada (2015)

International Law Weekend, Fordham Law School (2015)

**Cosmopolitan Citizenship: The Right to Refuge**

Southeastern Association of Law Schools Conference, Boca Raton, FL (2015)

**Fiduciary States in Armed Conflict**

International Law Workshop, William & Mary Law School (2015) (co-organizer)

**Reclaiming the Grotian Theory of Humanitarian Intervention**

Conference on "Sovereignty as Trusteeship for Humanity: Historical Antecedents and their Impact on International Law," Tel Aviv University Faculty of Law, Israel (2014)

Fiduciary Law Workshop, Law and Society Annual Meeting, Minneapolis, MN (2014)

**Human Rights Derogation: Regulating Ex Ante and Ex Post**

ASIL International Legal Theory Symposium: "Human Rights in Emergencies," Washington, DC (2014)

**Manuscript Workshop: "Fiduciaries of Humanity"**

McGill University Faculty of Law, Montreal, Canada (2014)

**Standing for Human Rights Abroad**

Fiduciary Law Workshop, McGill University Faculty of Law, Montreal, Canada (2014)

ASIL Annual Research Forum, NYU Law School (2013)

**A Sacred Trust of Civilization: Fiduciary Foundations of International Law**

Philosophical Foundations of Fiduciary Law Conference, DePaul Law School (2013)

**Creating Fiduciary States**

Fiduciary Law Workshop, Notre Dame Law School (2013)

International Legal Theory Roundtable, McGill University Faculty of Law (2013)

Law and Society Annual Meeting, Honolulu, HI (2012)

**Humanitarian Financial Intervention**

Faculty Workshop, William & Mary Law School (2012)

Southeast Association of Law Schools Annual Meeting, Amelia Island, FL (2012)

Annual Junior Faculty Forum for International Law, NYU Law School (2012)

Faculty Colloquium and Global Justice Seminar, University of Utah (2012)

Junior Faculty Workshop, Syracuse University College of Law (2012)

Junior International Law Scholars Association Annual Meeting, University of Georgia (2012)

J. Reuben Clark Law Society Faculty Conference, American University (2012)

**Proportionality in Counterinsurgency**

Law and Society Annual Meeting, San Francisco, CA (2011)

International Law Colloquium, University of Georgia (2011)

Workshop on Interdisciplinary Approaches to Transnational Law, Arizona State Univ. (2011)

Syracuse University College of Law Faculty Workshop (2010)

World Summit on Counterterrorism, Interdisciplinary Center Herzliya, Israel (2010)



**When Delegation Begets Domination**

Northeast Regional Scholarship and Teaching Development Workshop, Albany Law School (2011)  
 Syracuse University College of Law Junior Faculty Workshop (2010)  
 Junior International Law Scholars Association Workshop, Brooklyn Law School (2010)

**Human Rights, Emergencies, and the Rule of Law**

International Legal Theory Workshop, ESIL Biannual Meeting, University of Cambridge, UK (2010)  
 Workshop on Fiduciary Aspects of Public Law, McGill University, Montreal, Canada (2010)  
 Workshop on Non-Ideal Political Theory, CPSA Annual Meeting, Montreal, Canada (2010)  
 Junior International Law Scholars Association Annual Meeting, U.C. Hastings (2010)  
 Syracuse University College of Law Junior Faculty Workshop (2010)

**A Fiduciary Theory of Jus Cogens**

Opinio Juris Blog online symposium (2009)  
 American Society of International Law Annual Meeting, Washington, DC (2009)

**Fiduciary Administration**

Institute for the Study of the Judiciary, Politics and the Media, Syracuse University (2009)  
 Queen's University Faculty of Law Colloquium, Kingston, Canada (2009)  
 J. Reuben Clark Law Society Faculty Conference, Thomas Jefferson School of Law (2009)

**Chevron's Consensus**

Joint Annual Meetings of the Law and Society Association and the Canadian Law and Society Association, Montreal, Canada (2008)  
 Syracuse University College of Law Junior Faculty Workshop (2007)

**PEER REVIEW**

Alberta Law Review	Legal Theory
American Journal of International Law	National Science Foundation
Cambridge University Press	New Zealand Law Review
Canadian Journal of Philosophy	Northwestern University Law Review
Edward Elgar Press	Oxford University Press
Ethics and International Affairs	Regulation and Governance
Harvard Law Review	Routledge Press
Journal of National Security Law and Policy	University of Toronto Law Journal
Law and Philosophy	Yale Law Journal

**PROFESSIONAL SERVICE****AMERICAN SOCIETY OF INTERNATIONAL LAW**

International Legal Theory Interest Group: Chair (2017-2020), Vice-Chair (2014-2017), Executive Committee (2009-2014, 2020-present)

**AMERICAN BAR ASSOCIATION**

Justice Sonia Sotomayor's Nomination to the U.S. Supreme Court: Academic Reading Group Member (2009)

## **SELECTED UNIVERSITY SERVICE**

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### **WILLIAM & MARY LAW SCHOOL**

Chair, Faculty Status Committee (2015-2016, 2019-2020)  
Chair, Dean's Advisory Committee (2014)  
Co-chair, Faculty Enrichment Committee (2013-2015)  
Faculty Member, William & Mary Study Abroad in Madrid, Spain (2014)

### **SYRACUSE UNIVERSITY COLLEGE OF LAW**

Chair, Junior Faculty Workshop (2011-2012)  
Member, Appointments Committee (2009-2013)  
Member, Academic Standards Committee (2008-2012)  
Delegate, University Senate (2008-2012)

## **BAR ADMISSIONS**

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New York State (inactive)  
U.S. Court of Appeals for the Second Circuit  
U.S. District Court for the Southern District of New York  
U.S. District Court for the Eastern District of New York

## **LANGUAGES**

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English (native)  
Russian (highly proficient)  
Ancient Greek (intermediate reading)

*Last revised: April 2022*