

Michelle Madden Dempsey

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LAW TEACHING

VILLANOVA UNIVERSITY SCHOOL OF LAW (VILLANOVA, PENNSYLVANIA, USA) 2009-PRESENT

Harold Reuschlein Scholar Chair (2018-Present)

Professor of Law (Tenured) (2012-Present); Associate Professor of Law (2009-2012)

Faculty Supervisor, Villanova Law Institute to Address Commercial Sexual Exploitation (2014-Present)

Courses: Criminal Law, Evidence, Jurisprudence, Advanced Issues in Criminal Law, Gender & Law, Feminist Legal Theory, Sexuality & Law, Domestic Violence & Law

UNIVERSITY OF OXFORD FACULTY OF LAW (OXFORD, ENGLAND) 2005-2009

University (CUF) Lecturer in Law (2006-2009) Courses: Criminal Law and Jurisprudence

Tutorial Fellow in Law, Worcester College (2006-2009) Courses: Criminal Law and Jurisprudence

College Lecturer in Law, Worcester and Brasenose Colleges (2005-2009) Courses: Criminal Law and Jurisprudence

College Lecturer in Law, St. Catherine's College (2005-2006) Course: Criminal Law

UNIVERSITY COLLEGE LONDON (LONDON, ENGLAND) 2003

Tutor in Law, Criminal Law

ACADEMIC DEGREES

UNIVERSITY OF OXFORD (OXFORD, ENGLAND) 2003-2007

D.Phil. (Ph.D.), 2007: Prosecution, Reason and Value: Considering Domestic Violence

Supervisors: Professor of Jurisprudence John Gardner; Professor of Criminology Carolyn Hoyle; Vinerian Professor of English Law Andrew Ashworth

Examiners: Antony Duff (Stirling) and Jeremy Horder (Oxford, Kings College London, London School of Economics)

Associate Editor, Oxford Commonwealth Law Journal (2003-2004)

Co-Convener, University of Oxford Jurisprudence Discussion Group (2005-2006)

LONDON SCHOOL OF ECONOMICS (LONDON, ENGLAND) 2002-2003

LL.M., 2003 (Distinction, Highest Honors)

Completed two dissertations in areas of criminal law theory and moral philosophy: (1) "Buying Sex: Wrongdoing, Justification and the (Ir)relevance of Consent," supervised by Professor Nicola Lacey, and (2) "Organ Harvesting: Redemptive Justification and the Relevance of Altruism," supervised by Professor Katherine O'Donovan

UNIVERSITY OF MICHIGAN LAW SCHOOL (ANN ARBOR, MICHIGAN, USA) 1993-1996

J.D., 1996

UNIVERSITY OF ILLINOIS (URBANA-CHAMPAIGN, ILLINOIS, USA) 1990-1993

B.A., Philosophy, 1994 (Dean's List, All Semesters)

PUBLICATIONS - BOOKS

PROSECUTING DOMESTIC VIOLENCE: A PHILOSOPHICAL ANALYSIS

Oxford University Press, Monographs in Criminal Law and Justice Series (2009)

*Awarded UK Society of Legal Scholars' Peter Birks Prize for Outstanding Legal Scholarship (2nd Prize) (2010)

FROM MORALITY TO LAW AND BACK AGAIN: LIBER AMICORUM FOR JOHN GARDNER

Edited volume, co-edited with François Tanguay-Renaud (forthcoming, Oxford University Press)

SEX, WRONGS, AND CRIMINALIZATION

Co-authored with Jonathan Herring, Oxford University Press (forthcoming)

PUBLICATIONS – ARTICLES, ESSAYS AND BOOK CHAPTERS

SEX & COERCION: COMMENTS ON STUART GREEN’S CRIMINALIZING SEX

Jerusalem Review of Legal Studies (forthcoming)

THE NORMATIVE FORCE OF CONSENT IN MORAL, POLITICAL, AND LEGAL PERSPECTIVE

in Sexual Assault and Rape -- What Can We Learn from and for Law Reform?, Tatjana Hörnle (ed.) (Oxford University Press, forthcoming)

AUTHORITY, OBEDIENCE, AND JUSTIFICATION

90 University of Cincinnati Law Review 408 (2021)

COERCION, CONSENT, AND TIME

131 *Ethics* 345 (2021)

[*Selected for joint University of Chicago Press-PEA Soup philosophy online colloquium, 1-2 February 2021](#)

[*Reviewed at JOTWELL \(The Journal of Things We Like \(Lots\)\), 7 February 2022](#)

SEX, WORK, AND CRIME

in CRIMINALITY AT WORK, Alan Bogg, Jennifer Collins, Mark Freedland, Jonathan Herring (eds.) (Oxford University Press, 2020)

REASONS FOR PUNISHMENT: A STUDY IN PHILOSOPHICAL TRANSLATION (OR, WHY SADISTIC PUNISHMENT IS MORALLY IMPERMISSIBLE)

14 Criminal Law and Philosophy 186 (2020)

WHERE IS THE JUSTICE IN CRIMINAL JUSTICE?

in INTERNATIONAL HANDBOOK ON HUMAN TRAFFICKING: AN INTERDISCIPLINARY AND APPLIED APPROACH (Routledge/Taylor & Francis, 2020), Donna Sabella and Rochelle Dalla (eds.); co-authored with Elizabeth (Marie) Bussey-Garza, Shea M. Rhodes, and Christian Martin

PROSTITUTION

in THE PALGRAVE HANDBOOK ON APPLIED ETHICS AND THE CRIMINAL LAW, Larry Alexander and Kimberly Kessler Ferzan (eds.) (Palgrave MacMillan, 2019)

THE PUBLIC REALMS: ON HOW TO THINK ABOUT PUBLIC WRONGS

7 *Law, Ethics, and Philosophy (LEAP)* 157 (2019) (Pompeu Fabra University, Barcelona)

WHAT WE HAVE REASON TO DO: ANOTHER VIEW FROM THE CLIFF-TOP

19 Jerusalem Review of Legal Studies 141 (2019)

PROCESSES OF CRIMINALIZATION IN DOMESTIC AND INTERNATIONAL LAW: CONSIDERING SEXUAL VIOLENCE

12 Criminal Law and Philosophy 641 (2018)

VOLENTI NON FIT INJURIA

in THE ROUTLEDGE HANDBOOK OF THE ETHICS OF CONSENT, Andreas Müller and Peter Schaber (eds.) (Routledge/Taylor Francis, 2018)

WHAT COUNTS AS TRAFFICKING FOR SEXUAL EXPLOITATION? HOW LEGAL METHODS CAN IMPROVE EMPIRICAL RESEARCH

3 *Journal of Human Trafficking* 61 (2017)

APPLIED POLITICAL AND LEGAL PHILOSOPHY

in *BLACKWELL COMPANION TO APPLIED PHILOSOPHY*, Kasper Lippert-Rasmussen, Kimberley Brownlee, and David Coady (eds.) (Wiley & Sons, 2017); co-authored with Matthew Lister

SMITH & HOGAN AT VILLANOVA: REFLECTIONS ON ANGLO-AMERICAN CRIMINAL LAW, THE DEFINITION OF RAPE, AND WHAT AMERICA STILL NEEDS TO LEARN FROM ENGLAND

61 *Villanova Law Review* 509 (2016)

DOMESTIC VIOLENCE AND THE UNITED STATES' CRIMINAL JUSTICE SYSTEM

in *CONTOURS OF CRIMINAL JUSTICE*, Mary Bosworth, Carolyn Hoyle, Lucia Zedner, eds. (Oxford University Press, 2016)

WHY WE ARE ALL JURISPRUDES (OR, AT LEAST, SHOULD BE)

66 *Journal of Legal Education* 29 (2016)

AGAINST LIABILITY: TOWARD A REASONS-BASED ACCOUNT OF SELF-DEFENSE

in *THE ETHICS OF SELF-DEFENSE*, Christian Coons and Michael Weber, eds. (Oxford University Press, 2016)

PUNISHMENT AND COHERENCE

5 *Filosofia e questioni pubbliche* (Philosophy and Public Issues) 43 (2015)

PROSECUTING VIOLENCE AGAINST WOMEN: TOWARD A "MERITS-BASED" APPROACH TO EVIDENTIAL SUFFICIENCY

14 *Revista Jurídica de la Universidad de Palermo* (University of Palermo Law Review, Buenos Aires, Argentina) (2015)

DECRIMINALIZING VICTIMS OF SEX TRAFFICKING

52 *American Criminal Law Review* 207 (2015)

RESPONSE TO COMMENTATORS

Response to Symposium Issue on my book, *PROSECUTING DOMESTIC VIOLENCE: A PHILOSOPHICAL ANALYSIS* (Oxford University Press 2009), 8 *Criminal Law and Philosophy* 557 (2014)

VICTIMLESS CONDUCT AND THE *VOLENTI MAXIM*: HOW CONSENT WORKS

7 *Criminal Law and Philosophy* 11 (2013)

ON FINNIS'S WAY IN

57 *Villanova Law Review* 827 (2012)

DEFINING SEX TRAFFICKING IN INTERNATIONAL AND DOMESTIC LAW: MIND THE GAPS

26 *Emory International Law Review* 137 (2012); co-authored with Carolyn Hoyle and Mary Bosworth

HOW TO ARGUE ABOUT PROSTITUTION

6 *Criminal Law & Philosophy* 65 (2012)

Reprinted (as edited) in *BEING ETHICAL: CLASSIC AND NEW VOICES ON CONTEMPORARY ISSUES*, Shari Collins, Bertha Alvarez Manninen, Jacqueline M. Gately, Eric Comerford (eds.) (Broadview Press 2016)

SEX TRAFFICKING AND WORKER JUSTICE

9 (1) *Journal of Catholic Social Thought* 71 (2012)

LABELING THE VICTIMS OF SEX TRAFFICKING: EXPLORING THE BORDERLAND BETWEEN RHETORIC AND REALITY

20 (3) *Social and Legal Studies* 313 (2011); co-authored with Carolyn Hoyle and Mary Bosworth

RESEARCHING TRAFFICKED WOMEN: ON INSTITUTIONAL RESISTANCE AND THE LIMITS TO FEMINIST REFLEXIVITY

17 *Qualitative Inquiry* 769 (2011); co-authored with Mary Bosworth and Carolyn Hoyle

PUBLIC WRONGS AND THE “CRIMINAL LAW’S BUSINESS”: WHEN VICTIMS WON’T SHARE

in *CRIME, PUNISHMENT AND RESPONSIBILITY: THE JURISPRUDENCE OF ANTONY DUFF*, Rowan Cruft, Matthew Kramer, and Mark Reiff, eds. (Oxford University Press 2011)

SEX TRAFFICKING AND CRIMINALIZATION: IN DEFENSE OF FEMINIST ABOLITIONISM

158 *University of Pennsylvania Law Review* 1729 (2010)

Reprinted (as edited) in *FEMINIST JURISPRUDENCE: CASES AND MATERIALS*, Cynthia Bowman, Laura Rosenbury, Deborah Tuerkheimer and Kimberly Yuracko (eds.) (5th ed. West 2018)

RETHINKING THE LAW’S RESPONSE TO SEXUAL PENETRATION: ON THEORY AND CONTEXT

in *Rethinking Rape Law: National, International And European Perspectives*, Clare McGlynn and Vanessa Munro, eds. (Routledge 2010)

SHARING REASONS FOR CRIMINALIZATION? NO THANKS... ALREADY GOT ‘EM!

Comment to Sandra Marshall and R.A. Duff’s *Criminalization and Sharing Wrongs* in *CRIMINAL LAW CONVERSATIONS*, Paul Robinson, Kimberley Ferzan and Stephen Garvey (eds.) (Oxford University Press 2009)

THE OBJECT OF CRIMINALIZATION

Comment to Larry Alexander and Kimberley Ferzan’s *Against Negligence Liability*, in *CRIMINAL LAW CONVERSATIONS*, Paul Robinson, Kimberley Ferzan and Stephen Garvey (eds.) (Oxford University Press 2009)

TOWARD A FEMINIST STATE: WHAT DOES 'EFFECTIVE' PROSECUTION OF DOMESTIC VIOLENCE MEAN?

70 *Modern Law Review* 908 (2007)

WHY SEXUAL PENETRATION REQUIRES JUSTIFICATION

27 (3) *Oxford Journal of Legal Studies* 467 (2007); co-authored with Jonathan Herring

U.S. DEPARTMENT OF JUSTICE MODEL STATE ANTI-TRAFFICKING LAW: CRITIQUE AND REVISION

Book chapter in *PORNOGRAPHY: DRIVING THE DEMAND IN INTERNATIONAL SEX TRAFFICKING* (David Guinn (ed.) Captive Daughters Media 2007)

WHAT COUNTS AS DOMESTIC VIOLENCE? A CONCEPTUAL ANALYSIS

12 (2) *William & Mary Journal of Women and the Law* 301 (2006)

RETHINKING WOLFENDEN: PROSTITUTE-USE, CRIMINAL LAW, AND REMOTE HARM

[2005] *Criminal Law Review* 444-455 (2005)

PUBLICATIONS – REVIEWS, WORKING PAPERS AND SERVICE PUBLICATIONS

THE FUTURE OF CRIMINAL LAW: WORKING PAPERS FROM THE ROBINA INSTITUTE OF CRIMINAL LAW & CRIMINAL JUSTICE

(Michelle Dempsey, R. Antony Duff, Zachery Hoskins, and Neha Jain, eds., University of Minnesota, 2015)

DECRIMINALIZING VICTIMS OF SEX TRAFFICKING

Working paper in *THE FUTURE OF CRIMINAL LAW - WORKING PAPERS FROM THE ROBINA INSTITUTE OF CRIMINAL LAW & CRIMINAL JUSTICE* (Michelle Dempsey, R. Antony Duff, Zachery Hoskins, and Neha Jain, eds., University of Minnesota, 2015)

REVIEW OF MICHAEL ZIMMERMAN'S THE IMMORALITY OF PUNISHMENT (ONTARIO BROADVIEW PRESS)
32 Law & Philosophy 333 (2013)

REVIEW OF THE OXFORD HANDBOOK OF PHILOSOPHY OF CRIMINAL LAW (DEIGH AND DOLINKO EDS.) (OXFORD UNIVERSITY PRESS)

Notre Dame Philosophical Reviews: <http://ndpr.nd.edu/news/32097-he-oxford-handbook-of-philosophy-of-criminal-law> (2012)

THE STATE OF NEW YORK VS. DOMINIQUE STRAUSS-KAHN: A CRITIQUE OF PROSECUTORIAL REASONING ("L'AFFAIRE STRAUSS-KAHN: UN POINT DE VUE AMÉRICAIN")

Institut des hautes études sur la justice: <http://www.ihej.org/laffaire-strauss-kahn-un-point-de-vue-americaain> (2012)

REVIEW OF THE BOUNDARIES OF CRIMINAL LAW (DUFF, FARMER, MARSHALL, TADROS, EDS.) (OXFORD UNIVERSITY PRESS 2011)

Criminal Law & Criminal Justice Books: http://cljbooks.rutgers.edu/books/boundaries_of_criminal_law.html (2012)

BREAKING NEW GROUND IN INTERNATIONAL CRIMINAL LAW: BOOK REVIEW OF LARRY MAY AND ZACHERY HOSKIN'S INTERNATIONAL CRIMINAL LAW AND PHILOSOPHY

1 (3) Transnational Legal Theory 453 (2010)

TEACHING RAPE LAW: SOME PEDAGOGICAL REFLECTIONS

Verdict (University of Oxford Student Magazine) (July 2008)

BOOK REVIEW OF VICTOR TADROS' CRIMINAL RESPONSIBILITY

11 (1) Theoretical Criminology 129 (2007)

THE USE OF EXPERT WITNESS TESTIMONY IN THE PROSECUTION OF DOMESTIC VIOLENCE

(Crown Prosecution Service of England and Wales 2004)

WORKS IN PROGRESS

SEX, WRONGS, AND CRIMINALIZATION (WORKING TITLE)

Book-in-progress, co-authored with Jonathan Herring (under contract to Oxford University Press)

FROM MORALITY TO LAW AND BACK AGAIN: LIBER AMICORUM FOR JOHN GARDNER

Edited collection (with co-editor, François Tanguay-Renaud) celebrating the work of John Gardner during his time in the Chair of Professor of Jurisprudence at Oxford University (under contract to Oxford University Press)

BLAME AND PUNISHMENT: THE DIFFERENCE DUTY MAKES

Chapter-in-progress, contribution to LIBER AMICORUM FOR JOHN GARDNER

GENDER-BASED VIOLENCE: LAW AND POLITY

Commissioned manuscript, for publication in Cambridge University Press ELEMENTS of Legal Philosophy Series

ACADEMIC PRESENTATIONS, CONFERENCES AND WORKSHOPS

INSTITUTE FOR INNOVATION IN PROSECUTION (NEW YORK CITY, NEW YORK, USA)

Invited Discussant: Sex Crimes Convening (September 2022)

VILLANOVA UNIVERSITY CHARLES WIDGER SCHOOL OF LAW (VILLANOVA, PENNSYLVANIA, USA)

Workshop on "The Normative Force of Consent in Moral, Political, and Legal Perspective" (August 2022)

UNIVERSITY OF SOUTHERN CALIFORNIA (LOS ANGELES, USA)

Workshop on Marcela Prieto Rudolph's MORALITY OF THE LAW OF WAR (forthcoming) (June 2022)
Invited Discussant

HEBREW UNIVERSITY (JERUSALEM, ISRAEL)

Festschrift for Miriam Gur-Arye (May 2022)
Presenter: "The Voice of Criminal Law"

UNIVERSITY OF PENNSYLVANIA (PHILADELPHIA, PENNSYLVANIA, USA)

Invited Participant: Analytic Legal Philosophy Conference (April 2022)

HEBREW UNIVERSITY (JERUSALEM, ISRAEL – VIA ZOOM)

Workshop on Stuart Green's Criminalizing Sex (OUP 2019) (December 2021)
Presenter: "Sex & Coercion"

MAX PLANCK INSTITUTE (BERLIN, GERMANY – VIA ZOOM)

Sexual Assault Law Reform Workshop (November 2021)
Presenter: "The Normative Force of Consent in Moral, Political, and Legal Perspective"

UNIVERSITY OF OXFORD (OXFORD, ENGLAND – VIA ZOOM)

Oxford Seminars in Jurisprudence (October 2021)
Presenter: "Authority, Obedience, and Justification"

UNIVERSITY OF BIRMINGHAM (BIRMINGHAM, ENGLAND – VIA ZOOM)

Criminal Law Reform NOW Network (September 2021)
Respondent: Daniel Bansal and Tracy Elliott's, "Consent to Bodily Harm and the Public Interest"

MAX PLANCK INSTITUTE (BERLIN, GERMANY – VIA ZOOM)

Sexual Assault Law Reform Workshop (March 2021)
Invited Discussant

UNIVERSITY OF SURREY (SURREY, ENGLAND – VIA ZOOM)

Virtual Hart Seminar at Surrey Centre for Law & Philosophy (November 2020)
Presenter: "Authority, Obedience, and Justification"

UNIVERSITY OF OXFORD (OXFORD, ENGLAND)

Workshop on From Law to Morality and Back Again: Liber Amicorum for John Gardner (All Souls College)
Co-Organizer and Presenter: "Getting to Blame" (December 2019)

GEORGETOWN UNIVERSITY LAW CENTER (WASHINGTON, D.C., USA)

Invited Participant: Analytic Legal Philosophy Conference (May-June 2019)

RUTGERS UNIVERSITY LAW SCHOOL (CAMDEN, NEW JERSEY, USA)

Faculty workshop co-sponsored by Rutgers Center for Gender, Sexuality Law and Policy and Rutgers Institute for Law and Philosophy
Presenter: "Consent, Coercion, and Time" (April 2019)

VILLANOVA UNIVERSITY CHARLES WIDGER SCHOOL OF LAW (VILLANOVA, PENNSYLVANIA, USA)

Workshop on "Coercion and Consent"
Co-organizer and Presenter: "Coercion, Consent, and Time" (March 2019)

POMPEU FABRA UNIVERSITY (BARCELONA, SPAIN – VIA SKYPE)

Workshop on Antony Duff's THE REALM OF CRIMINAL LAW (Oxford University Press, 2018)
Presenter: "The Public Realms: On How to Think about Public Wrongs" (February 2019)

