

**VINCENT CHIAO**

Professor

University of Toronto, Faculty of Law

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**RESEARCH INTERESTS:** My research interests are in public law, with a particular focus on the philosophy of criminal law. In addition, I write on the ethical implications of emerging technologies in legal contexts, as well as normative social and legal theory more broadly.

**CITIZENSHIP:** USA & Canada.

**EMPLOYMENT:**

Tyler Haynes Professor of Interdisciplinary Studies, University of Richmond School of Law & Jepson School of Leadership Studies, 2022-23.

Law clerk to the Hon. Juan R. Torruella, U.S. Court of Appeals for the First Circuit, Boston, MA, 2010-2011.

Reginald F. Lewis Research Fellow, Harvard Law School, 2008-2010

**VISITING POSITIONS:**

Visiting Professor, New York University School of Law, fall 2023.

William Lyon Mackenzie King Visiting Professor of Canadian Studies, Canada Program, Harvard University, 2021-22

Assistant Crown Attorney, Ministry of the Attorney General Ontario (College Park), October 2017 – January 2018.

Visiting Fellow at the Israel Institute for Advanced Study, March-June 2016.

Robina Visiting Fellow, spring 2014.

**WORKS IN PROGRESS:**

"Private public law" (in draft)

"Excess incarceration" (in draft)

"Cooperation and the retributive sentiments" (in draft)

"Law, trust, and social order" (in draft) (with Hadar Dancig-Rosenberg)

**PUBLICATIONS - BOOKS:**

*Criminal Law in the Age of the Administrative State* (Oxford University Press, 2018).

Subject of a symposium issue: *Jerusalem Review of Legal Studies* 17(1) (2018): 90-175.

## **PUBLICATIONS – ARTICLES & BOOK CHAPTERS:**

- “The rule of law after the Anthropocene,” forthcoming in *Artificial Intelligence, Humans, and the Law*, J Slosser & H Palmer Olsen, eds (2025).
- “Content moderation online: *ex ante* versus *ex post*,” with Alon Harel, *University of Illinois Law Review* (2023): 1587-1606
- “Disobedience as such,” with Alon Harel, *Jurisprudence* (2024): 1-18. Peer reviewed.
- “Algorithmic decision-making, statistical evidence & the rule of law,” *Episteme* (2023): 1-24. doi:10.1018/epi.2023.27. Peer reviewed.
- “Explainability and the Epistemic Division of Labour in Adjudication,” with Martin Heslop, *University of Toronto Law Journal* 73(1) (2023): 73-91.
- “From the Philosophy of Punishment to the Philosophy of Criminal Justice,” with Javier Wilenmann, in *The Palgrave Handbook on the Philosophy of Punishment*, M Altman, ed (2022).
- “Realism and the rational administration of the law in Beccaria,” in *Re-Reading Beccaria*, A du Bois-Pedain & S Eldar, eds (2022).
- “Proportionality and Its Discontents,” *Law and Philosophy* 41 (2022): 193-217. doi.org/10.1007/s10982-021-09423-9. Peer reviewed.
- “Hyperlexis and the Rule of Law,” *Legal Theory* 27(2) (2021): 126-48. Peer reviewed.
- “Algorithmic decision-making when humans disagree on ends,” with Kiel Brennan-Marquez, *New Criminal Law Review* 24(3) (2021): 275-300.
- “Corruption and the Criminal Law: Assurance and Deterrence,” *University of Toronto Law Journal* 71 (2021): 8-34.
- “Transparency at sentencing: are human judges more transparent than algorithms,” in *Principled Sentencing and Artificial Intelligence*, J Roberts & J Ryberg, eds (Oxford 2021): 34-56.
- “Policing Entrapment,” *Manitoba Law Journal* 44(1) (2021): 300-325.
- “Capital Punishment and the Owl of Minerva,” in *The Handbook of Applied Ethics and Criminal Law*, Larry Alexander & Kim Ferzan, eds. (Palgrave 2019).
- “Fairness, Contestability and Transparency: Notes on Algorithmic Decision-making in Criminal Justice,” *International Journal of Law in Context* 15(2) (2019) 126-139.
- “Predicting Proportionality: the Case for Algorithmic Sentencing,” *Criminal Justice Ethics* 37(3) (2018): 238-261. Peer reviewed.
- “What is the Criminal Law For?,” *Law and Philosophy* 35 (2016): 137-163. Peer reviewed.
- “Discretion and Domination in Criminal Procedure: Reflections on Pettit,” *Politics, Philosophy and Economics* 15 (2015): 1-19. Peer reviewed.
- “Two Conceptions of the Criminal Law,” in *The New Philosophy of Criminal Law*, Chad Flanders & Zachary Hoskins, eds. (Rowman & Littlefield 2015).
- “Mass Incarceration and the Theory of Punishment,” *Criminal Law & Philosophy* 11(3) (2017): 431-452. Peer reviewed.
- “Acts and *Actus Reus*,” in *The Oxford Handbook of Criminal Law*, Markus Dubber & Tatjana Hörnle, eds. 447-467 (2014).

"Equality, Assurance and Criminalization," *Canadian Journal of Law & Jurisprudence* 27(1) (2014): 5-26. Peer reviewed.

"Punishment and Permissibility in the Criminal Law," *Law and Philosophy* 32 (2013): 729-765. Peer reviewed.

"Ex Ante Fairness in Criminal Law and Procedure," *New Criminal Law Review* 15(2) (2012): 277-332. Peer reviewed.

"Intention and Attempt," *Criminal Law & Philosophy* 4 (2010): 37-55. Peer reviewed.

"Action and Agency in the Criminal Law," *Legal Theory* 15 (2009): 1-23. Peer reviewed.

#### **PUBLICATIONS – REVIEWS:**

Review essay on Joseph Heath, *The Machinery of Government*. Forthcoming in the *University of Toronto Law Journal*.

"What Does It Mean to End Mass Incarceration, and How Would We Know If We Did?"  
Review essay on Katherine Beckett, *Ending Mass Incarceration: Why it Persists and How to Achieve Meaningful Reform*, *Criminal Justice Ethics* 42(1) (2023) 86-98.

Review essay on Heidi Hurd, ed., *Moral Puzzles and Legal Perplexities: Essays on the Influence of Larry Alexander*. *Mind* 131 (2022): 968-77.

Review essay on Antony Duff, *The Realm of Criminal Law* (Oxford 2018), *Jerusalem Review of Legal Studies* 18(1) (2018): 38-49.

Review essay on Lindsay Farmer, *Making the Modern Criminal Law* (Oxford 2016), *Critical Analysis of Law* 4(1) (2017): 1-10.

Review of Luis Duarte d'Almeida, *Allowing for Exceptions: A Theory of Defences and Defeasibility in Law*, *Law and Philosophy* 36 (2017): 109-114.

Comment on Joshua Kleinfeld, "Embodied Ethical Life and Criminal Law," *Harvard Law Review Forum* 129 (2016) 258-267.

Review of P. Pettit and C. List, *Group Agency*, 64(5) *University of Toronto Law Journal* 753-770 (2014)

Review of A. von Hirsch and A.P. Simester, *Crimes, Harms, and Wrongs: On the Principles of Criminalisation*, for Rutgers Criminal Law Criminal Justice Books, November 2011.  
Available at: [http://clcjbooks.rutgers.edu/books/crimes\\_harms\\_wrongs.html](http://clcjbooks.rutgers.edu/books/crimes_harms_wrongs.html)

#### **PUBLICATIONS – WHITE PAPERS:**

"Test, Trace, and Isolate: Covid-19 and the Canadian Constitution," with Lisa Austin, Beth Coleman, David Lie, Martha Shaffer, Andrea Sloane, François Tanguay-Renaud, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3608823](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3608823)

#### **EDUCATION:**

Harvard Law School, J.D., 2008.

- Harvard University Knox Traveling Fellowship: support for research abroad during the 2008-2009 academic year. (I accepted the Harvard Law School Lewis Fellowship instead.)

- Harvard Law School Summer Academic Fellowship: supported research and writing during the summers of 2007 and 2008.
- Legal intern, Council of Europe, Committee on Legal Affairs and Human Rights, Strasbourg, France: researched and helped draft memoranda for the Committee on Legal Affairs and Human Rights. Supported by Chayes Summer Fellowship. Summer 2006.
- Research Assistant, Prof. Susan Carle, spring 2006.

Northwestern University, Ph.D., philosophy, 2006.

- Dissertation: *Self-Knowledge between Discovery and Decision*. Advisors: Axel Mueller and Marya Schechtman.
- William James Prize: awarded for best graduate student paper presented at the American Philosophical Association, Eastern Division meeting, 2006.
- DAAD Academic Year Fellowship: supported research at the Humboldt Universität zu Berlin during 2002-2003.

University of Virginia, BA with honors, philosophy, 1998

#### **AWARDS:**

SSHRC Insight Development Grant (with François Tanguay-Renaud and Boris Babic), 2021-2024: \$64,584.

Foundation for Legal Research, summer 2020: \$5000 research grant.

William Lyon MacKenzie King Visiting Professor, Harvard University, 2021-22

Mewett Teaching Award, June 2018.

Foundation for Legal Research, summer 2013: \$5000 research grant.

Connaught New Researcher Grant: \$10,000 grant from the University of Toronto, 2012-2014.

Harvard Law School Reginald F. Lewis Fellowship: two-year research fellowship at Harvard Law School, for 2008-2010.

Harvard University Knox Traveling Fellowship: support for research abroad during the 2008-2009 academic year (declined).

William James Prize: awarded for best graduate student paper presented at the American Philosophical Association, Eastern Division meeting, 2006.

DAAD Academic Year Fellowship: supported research at the Humboldt Universität zu Berlin during 2002-2003.

#### **COURSES TAUGHT:**

First year criminal law

Criminal procedure

Administrative law

Legal process (civil procedure)

Theories of criminal justice (undergraduate seminar)

Criminalization (seminar)

Philosophy of criminal law (seminar)

The rule and the exception (seminar)

Appellate criminal law externship (founder)