

MATTHEW C. STEPHENSON
HENRY L. SHATTUCK PROFESSOR OF LAW, HARVARD LAW SCHOOL

mstephen@law.harvard.edu

<https://hls.harvard.edu/faculty/matthew-stephenson/>

<https://faculty.law.harvard.edu/matthew-stephenson/>

CURRICULUM VITAE

Professional Positions

Harvard Law School

- Professor of Law, 2010-present
- Assistant Professor of Law, 2005-2010

Law Clerk, Justice Anthony M. Kennedy, United States Supreme Court, 2004-2005

Law Clerk, Senior Judge Stephen F. Williams, United States Court of Appeals for the District of Columbia Circuit, 2003-2004

Education

Harvard University, Ph.D. (Political Science), 2003

Harvard Law School, J.D., *magna cum laude*, 2003

Harvard College, B.A. (East Asian Studies), *magna cum laude*, 1997

Books

LEGISLATION AND REGULATION, 5TH EDITION (Foundation Press, forthcoming 2025) (1st edition 2010, 2nd edition 2013, 3rd edition 2017, 4th edition 2021) (with John F. Manning)

Articles and Book Chapters

Workarounds in American Public Law, 103 TEXAS LAW REVIEW 503 (2025) (with Daniel A. Farber & Jonathan S. Gould)

The Incompatibility of Substantive Canons and Textualism, 137 HARVARD LAW REVIEW 515 (2023) (with Benjamin Eidelson)

The Anti-Democratic Major Questions Doctrine, 2022 SUPREME COURT REVIEW 1 (2023) (with Jody Freeman)

The Untapped Potential of the Congressional Review Act, 59 HARVARD JOURNAL ON LEGISLATION 280 (2022) (with Jody Freeman)

Taming Systemic Corruption: The American Experience and Its Implications for Contemporary Debates, 155 WORLD DEVELOPMENT 105755 (2022) (with Mariano-Florentino Cuellar)

Democratizing the Senate from Within, 13 JOURNAL OF LEGAL ANALYSIS 502 (2021) (with Jonathan S. Gould & Kenneth A. Shepsle)

Honey and Poison: On Corruption, LIBERTIES 1(4): 135–67 (2021)

A Proposal for a Global Database of Politically Exposed Persons, 56 STANFORD JOURNAL OF INTERNATIONAL LAW 153 (2021) (with Ruta Mrazauskaitė)

Corruption as a Self-Reinforcing “Trap”: Implications for Reform Strategy, 35 WORLD BANK RESEARCH OBSERVER 192 (2020)

“How Should *Lava Jato* End?” in Paul Lagunes & Jan Svejnar eds., CORRUPTION AND THE *LAVA JATO* SCANDAL IN LATIN AMERICA 213-226 (2020) (with Jessie W. Bullock)

The Qualities of Public Servants Determine the Quality of Public Service, 2019 MICHIGAN STATE UNIVERSITY LAW REVIEW 1177 (2019)

“Standing Doctrine and Anticorruption Litigation: A Survey,” in OPEN SOCIETY FOUNDATIONS, *LEGAL REMEDIES FOR GRAND CORRUPTION: THE ROLE OF CIVIL SOCIETY* (2019), pp. 38-52

“Beware Blowback: How Attempts to Strengthen FCPA Deterrence Could Narrow the Statute’s Scope,” in Jennifer Arlen ed., *THE RESEARCH HANDBOOK ON CORPORATE CRIME AND FINANCIAL MISDEALING* (2018)

“Corruption and Democratic Institutions: A Review and Synthesis,” in Susan Rose-Ackerman & Paul Lagunes eds., *GREED. CORRUPTION, AND THE MODERN STATE* (2015), pp. 92-133

The Welfare Effects of Minority-Protective Judicial Review, 27 JOURNAL OF THEORETICAL POLITICS 499 (2015) (with Justin Fox)

The Constraining, Liberating, and Informational Effects of Non-Binding Law, 31 JOURNAL OF LAW, ECONOMICS & ORGANIZATION 320 (2015) (with Justin Fox)

Legislation & Regulation and Reform of the First Year, 65 JOURNAL OF LEGAL EDUCATION 45 (2015) (with John F. Manning)

Over-Accountability, 6 JOURNAL OF LEGAL ANALYSIS 185 (2014) (with Jacob E. Gersen)

Does Separation of Powers Promote Stability and Moderation?, 42 JOURNAL OF LEGAL STUDIES 331 (2013)

Can the President Appoint Principal Executive Officers without a Senate Confirmation Vote?, 122 YALE LAW JOURNAL 940 (2013)

Judicial Review as a Response to Political Posturing, 105 AMERICAN POLITICAL SCIENCE REVIEW 397 (2011) (with Justin Fox)

Information Acquisition and Institutional Design, 124 HARVARD LAW REVIEW 1422 (2011)

Judicial Deference to Inconsistent Agency Statutory Interpretations (with Yehonatan Givati), 40 JOURNAL OF LEGAL STUDIES 85 (2011)

Seminole Rock's Domain, 79 GEORGE WASHINGTON LAW REVIEW 1449 (2011) (with Miri Pogoriler)

Statutory Interpretation by Agencies, in DANIEL FARBER & ANNE JOSEPH O'CONNELL EDS., RESEARCH HANDBOOK ON PUBLIC CHOICE AND PUBLIC LAW 285 (Edward Elgar Publishing, 2010)

Political Accountability under Alternative Institutional Regimes, 22 JOURNAL OF THEORETICAL POLITICS 139 (2010) (with Jide O. Nzelibe)

Complementary Constraints: Separation of Powers, Rational Voting, and Constitutional Design, 123 HARVARD LAW REVIEW 617 (2010) (with Jide O. Nzelibe)

Lobbyists as Imperfect Agents: Implications for Public Policy in a Pluralist System, 47 HARVARD JOURNAL ON LEGISLATION 1 (2010) (with Howell E. Jackson)

Legal Realism for Economists, 23 JOURNAL OF ECONOMIC PERSPECTIVES 191 (2009)

- Translated into Portuguese and reprinted as *Realismo jurídico para economistas*, 281 REVISTA DE DIREITO ADMINISTRATIVO 15 (2022) (Brazil)

Chevron Has Only One Step, 95 VIRGINIA LAW REVIEW 597 (2009) (with Adrian Vermeule)

The Price of Public Action: Constitutional Doctrine and the Judicial Manipulation of Legislative Enactment Costs, 118 YALE LAW JOURNAL 2 (2008)

Optimal Political Control of the Bureaucracy, 107 MICHIGAN LAW REVIEW 53 (2008)

Evidentiary Standards and Information Acquisition in Public Law, 10 AMERICAN LAW & ECONOMICS REVIEW 351 (2008)

The Administrative Law of Borrowed Regulations: Legal Questions Regarding the Bankruptcy Law's Incorporation of IRS Standards, 1 NORTON BANKRUPTCY LAW ADVISER 1 (2008) (with Kristin E. Hickman)

Bureaucratic Decision Costs and Endogenous Agency Expertise, 23 JOURNAL OF LAW, ECONOMICS & ORGANIZATION 469 (2007)

Regulatory Quality under Imperfect Oversight, 101 AMERICAN POLITICAL SCIENCE REVIEW 605 (2007) (with Ethan Bueno de Mesquita)

Judicial Reform in Developing Economies: Constraints and Opportunities, in FRANÇOIS BOURGUIGNON & BORIS PLESKOVIC EDS., ANNUAL WORLD BANK CONFERENCE ON DEVELOPMENT ECONOMICS: BEYOND TRANSITION 311-328 (World Bank, 2007)

The Strategic Substitution Effect: Textual Plausibility, Procedural Formality, and Judicial Review of Agency Statutory Interpretations, 120 HARVARD LAW REVIEW 528 (2006)

A Costly Signaling Theory of "Hard Look" Judicial Review, 58 ADMINISTRATIVE LAW REVIEW 753 (2006)

Legislative Allocation of Delegated Power: Uncertainty, Risk, and the Choice Between Agencies and Courts, 119 HARVARD LAW REVIEW 1035 (2006)

Legal Institutions and Informal Networks, 18 JOURNAL OF THEORETICAL POLITICS 40 (2006) (with Ethan Bueno de Mesquita)

Public Regulation of Private Enforcement: The Case for Expanding the Role of Administrative Agencies, 91 VIRGINIA LAW REVIEW 93 (2005)

Court of Public Opinion: Government Accountability and Judicial Independence, 20 JOURNAL OF LAW, ECONOMICS & ORGANIZATION 379 (2004)

Mixed Signals: Reconsidering the Political Economy of Judicial Deference to Administrative Agencies, 56 ADMINISTRATIVE LAW REVIEW 657 (2004)

"When the Devil Turns...": The Political Foundations of Independent Judicial Review, 32 JOURNAL OF LEGAL STUDIES 59 (2003)

- Reprinted in JON R. BOND ET AL. EDS., INSTITUTIONAL GAMES AND THE U.S. SUPREME COURT (University of Virginia Press, 2006)

A Tale of Two Theories: The Legal Basis for EPA's Proposed Revision to the Routine Maintenance, Repair, and Replacement Exception, and the Implications for Administrative Law, 33 ENVIRONMENTAL LAW REPORTER 10789 (2003)

Informative Precedent and Intrajudicial Communication, 96 AMERICAN POLITICAL SCIENCE REVIEW 755 (2002) (with Ethan Bueno de Mesquita)

A Trojan Horse Behind Chinese Walls?: Problems and Prospects of U.S.- Sponsored "Rule of Law" Reform Projects in the People's Republic of China, 18 UCLA PACIFIC BASIN LAW JOURNAL 64 (2000)

- Updated and reprinted as "A Trojan Horse in China?", in THOMAS CAROTHERS ED., PROMOTING THE RULE OF LAW ABROAD: IN SEARCH OF KNOWLEDGE (2006)

Popular Media

The Statistics That Came Out of Nowhere, THE ATLANTIC (online) (March 12, 2023) (with Ray Fisman and Andrew Gelman)

How a Little-Known Law Might Help Protect the 'Dreamers'. WASHINGTON POST (August 6, 2021) (with Jody Freeman)

Don't Eliminate the Filibuster. Democratize It. WASHINGTON POST (April 6, 2021) (with Jonathan S. Gould & Kenneth A. Shepsle)

Short Comments and Replies

Law and Corruption, in Mark Pieth & Tina Søreide eds., THE ELGAR CONCISE ENCYCLOPEDIA OF CORRUPTION LAW (2023)

Foreign Corrupt Practices Act, in Robert Barrington et al. eds., THE DICTIONARY OF CORRUPTION (2023)

Corruption and Human Rights – Exploring the Relationship, in GROUP OF STATES AGAINST CORRUPTION (GRECO), ANTI-CORRUPTION TRENDS, CHALLENGES AND GOOD PRACTICES IN EUROPE & THE UNITED STATES OF AMERICA (22ND GENERAL ACTIVITY REPORT (2021)) 19-21 (2022)

Embedded Rules, 39 YALE JOURNAL ON REGULATION BULLETIN 59 (2021)

When and Why Agencies Must Decide for Themselves: Judge Williams's Restrictive Approach to Administrative Subdelegation, 38 YALE JOURNAL ON REGULATION 752 (2021)

Public Register Pros Trump Cons, COMPLIANCE WEEK (July 26, 2019)

The Costs of Voting Rule Chevron: A Comment on Gersen and Vermeule's Proposal, 116 YALE LAW JOURNAL POCKET PART 238 (2007)

The Legislative Choice between Agencies and Courts: A Response to Farber and Vermeule, 119 HARVARD LAW REVIEW FORUM 183 (2006)

Work in Progress

Implicit Delegation in the Gray Area: Judicial Review of Agency Interpretations After Loper Bright

Strategic Decision-Making by Anticorruption Agencies (with Jeeyang Rhee Baum)

Legal Rationales for Political Violence in Henry V and 2 Henry VI

"The Law, Not I": Judgment, Responsibility, and the Personification of Law in Measure for Measure

Reports and Policy Papers

"Specialised Anti-Corruption Courts: A Comparative Mapping," U4 Anti-Corruption Resource Centre Issue Paper (2022) (with Sofie Arjon Schutte) (original version 2016)

"Unlocking the Potential of the Congressional Review Act," American Constitution Society Issue Brief (2022) (with Jody Freeman)

"Democratizing the Filibuster," American Constitution Society Issue Brief (2021) (with Jonathan S. Gould and Kenneth A. Shepsle)

"The Credibility of Corruption Statistics: A Critical Review of Ten Global Estimates," U4 Issue 2021: 3 (2021) (with Cecilie Wathne)

"Ukraine's High Anti-Corruption Court: Innovation for Impartial Justice," U4 Anti-Corruption Resource Centre Brief (2020) (with Ivanna Y. Kuz)

"An International Anti-Corruption Court? A Synopsis of the Debate," U4 Anti-Corruption Resource Centre Brief (2019) (with Sofie Arjon Schutte)

"Specialised Anti-Corruption Courts: Philippines," U4 Anti-Corruption Resource Centre Brief (2016)

"Specialised Anti-Corruption Courts: Slovakia," U4 Anti-Corruption Resource Centre Brief (2016)

UNITED NATIONS OFFICE OF DRUGS AND CRIME, THE UNITED NATIONS CONVENTION AGAINST CORRUPTION: NATIONAL ANTI-CORRUPTION

STRATEGIES: A PRACTICAL GUIDE FOR DEVELOPMENT AND
IMPLEMENTATION (2015) (with Richard E. Messick)

Selected Speeches and Testimony

Keynote Address, Conference on “Innovation, Coordination, and Citizen Participation: Towards a National Anti-Corruption System,” Guatemala City, Guatemala, November 12, 2024

Chair Lecture, “Corruption and Anticorruption,” November 24, 2019, Harvard Law School, Cambridge, MA

Keynote Address, Third Judicial Forum on “Combating Corruption in a Democratic Rule of Law State,” January 22-25, 2019, Brasilia, Brazil

Keynote Address, Conference on “Academia Against Corruption in the Americas,” June 22-23, 2018, Monterrey, Mexico

Keynote Address, Chulalongkorn University Seminar on “Corporate Responsibilities and Practices in Anti-Corruption,” May 25, 2018, Bangkok, Thailand

Keynote Address, Social Integrity Architecture and Mechanism Design Lab Seminar on “Anti-Corruption Knowledge and Innovation,” December 20, 2017, Bangkok, Thailand

F.Y. Chang Memorial Lecture on “The International Fight Against Corruption: Where We’ve Been and Where We’re Going,” Dec. 6, 2017, Peking University, Beijing, People’s Republic of China

Invited Speech on “The FCPA and its Implications for China,” 18th Annual Shenzhen Legal Form, June 23, 2016, Shenzhen, People’s Republic of China

Invited Speech on “Impunity as a Multiplier of Corruption,” 6th Annual International Anticorruption Conference (CAAI), Feb. 2-4, 2016, Lima, Peru

Keynote Address, International Bar Association Conference on “The Fight Against Corruption in Latin America,” May 12-13, 2014, Mexico City, Mexico.

Keynote Address, Conference on “A New Era for Public Sector Reform in the ASEAN Community”, January 17-18, 2013, Bangkok, Thailand

Keynote Address, 1st Annual Conference on Evidence-Based Anti-Corruption Policies (CEBAP), January 11-12, 2012, Bangkok, Thailand

Testimony before the U.S. House of Representatives Subcommittee on Courts, Commercial and Administrative Law, Hearing on “Formal Rulemaking and Judicial Review: Protecting Jobs and the Economy with Greater Regulatory Transparency and Accountability,” May 31, 2011, Washington, D.C.

Other Professional Activities

Consultant on anticorruption and legal/judicial reform, various projects and clients (including World Bank, International Monetary Fund, UN Office of Drugs & Crime, UN Development Programme, Transparency International, U4 Anticorruption Resource Centre, Open Society Foundation, others)

Board Member, Transparency International—Ukraine, 2020-present

American Bar Association Rule of Law Initiative, Expert Working Group on Building International Cooperation to Enhance Anti-Corruption Activities in Central America, 2021

Visiting Scholar, Chulalongkorn University Faculty of Law, Bangkok, Thailand, January–June 2023

Visiting Professor, Peking University School of Transnational Law, Shenzhen, People’s Republic of China, recurring (2010–present)

Visiting Professor, FGV Direito Rio, Rio de Janeiro, Brazil, May 2018, March 2019

Visiting Professor, International Anti-Corruption Academy, Summer Academy, Laxenburg, Austria, July 2015

Visiting Professor, Semaine Doctorale Intensive, Science Po, Paris, France, May 2013, December 2022

Visiting Fellow, Becker Friedman Institute, University of Chicago, April 2010

Visiting Professor, Tsinghua University, Beijing, People’s Republic of China, June 2009

Rapporteur, Access to Justice Working Group, United Nations High-Level Commission on the Legal Empowerment of the Poor, 2006-2007

Journal and Editorial Positions

Editor-in-Chief, *Global Anticorruption Blog*
(www.globalanticorruptionblog.com), 2014–present.

Co-Founder and Host, *KickBack: The Global Anticorruption Podcast*, 2019–2023

Editorial Board, *Journal of Theoretical Politics*, 2009-2011

Referee: *American Journal of Political Science*; *American Law & Economics Review*; *American Political Science Review*; *European Law Journal*; *Harvard Law Review*; *International Studies Quarterly*; *Journal of Empirical Legal Studies*; *Journal of Law, Economics & Organization*; *Journal of Legal Analysis*; *Journal of Legal Studies*; *Journal of Politics*; *Journal of Public Economics*; *Journal of Theoretical Politics*; *Law & Society Review*; *Political Research Quarterly*; *Public Choice*; *Regulation & Governance*; *Review of Law & Economics*; *Social Science Quarterly*

Professional Associations

Advisory Board, Interdisciplinary Corruption Research Network, 2016-present

Advisory Board, Institute for Corruption Studies, Illinois State University, 2016-present

International Bar Association, Anti-Corruption Committee

U.N. Office of Drugs & Crime, Anti-Corruption Academic Initiative

Transparency International Anti-Corruption Solutions and Knowledge (ASK) Network of Experts