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RESEARCH AGENDA

I am a proceduralist and political theorist primarily examining the concept of sovereignty. My work accordingly has significant implications for civil procedure, international law, transnational litigation, and more.

"Sovereignty" is a term that legal decisionmakers invoke frequently but rarely understand—either what it is conceptually or how it should play out in legal doctrine. My scholarship tackles both. To do so, I draw on my experience at a private firm and in international institutions, as well as my doctoral work in the history of political thought. Collectively, these give me a unique perspective into what the concept of sovereignty entails, where it came from, how it operates in law today, and what can be done to make it more tailored to its original purpose of improving lives.

Anchored in this underlying topic, my scholarship engages with several themes. Currently, I am exploring sovereigns as law-makers and law-deciders in prescriptive and adjudicatory jurisdiction; lawsuits against states and their representatives; and the development of sovereignty, particularly in early modern European thought, and its relationship to individual rights. Across these projects, I am developing an argument that a more robust understanding of sovereignty in law is possible and would positively impact legal practice and individuals' experience.

JURISDICTION IN U.S. LAW

The Sovereignty of Personal Jurisdiction
(job talk paper)

The Supreme Court's confusion regarding sovereignty has created a doctrinal mess. When considering whether constitutional limits on state courts' exercise of personal jurisdiction are grounded in states' sovereignty or individuals' liberty, the Court has never been consistent about what this means. Consequently, the Court as a whole—as well as individual justices—regularly shift between the justifications, leaving scholars and litigants to guess where they will land next.

By combining insights from political theory with an analysis of how personal jurisdiction operates, this Article offers a way out. Broad references to sovereignty and federalism largely have not accounted for the fact that sovereignty has both internal and external dimensions. Distinguishing between the relationship of authority between forum state and litigant (internal sovereignty) and the relationship of authority between or among states (external sovereignty) reveals a previously unrecognized logic. Descriptively, parties' expansive power to authorize jurisdiction over themselves only makes sense if internal sovereignty is the source of limits. Normatively, we ought to maintain this basic arrangement. Internal sovereignty is the bedrock of personal jurisdiction, which defines the relationship between forum and litigant.

Crucially, though, internal sovereignty and individual liberty are complements, not competitors, in personal jurisdiction. They are two perspectives on the same considerations, and focusing on either should reach the same set of considerations. This means one unified question

should guide personal jurisdiction and promote certain positions on doctrinal and scholarly debates: When is the relationship between state and litigant sufficient to justify the state's exercise of authority on one hand and the litigant's constrained liberty on the other?

Applying Someone Else's Law

Continuing in the vein of *The Sovereignty of Personal Jurisdiction*, this future project will consider sovereignty's dimensions in another domain, horizontal and vertical choice of law. In some respects, choice of law mirrors personal jurisdiction. Parties have substantial power to alter whose law will be applied to a dispute—including through contractual agreement, engagement with particular states, and, crucially, decisions made during the course of litigation. Internal sovereignty might then seem to rule here too. However, whereas personal jurisdiction is essentially about the relationship between forum and litigant, choice of law is more about the balance of authority among sovereigns. Which law applies to a dispute is thus a matter of both internal and external sovereignty, and judicial doctrines should be adapted to reflect as much. In the absence of congressional action and international conventions, radical change is called for: courts should apply a choice of law analysis in all cases. Often, this may mean simply affirming that states have authorized their citizens to choose another law, meaning the practical impact may be limited. But allowing the issue of what law applies to pass without consideration is incompatible with the interests at stake.

Fifth Amendment Due Process and the Federal Sovereign

This future article will further extend *The Sovereignty of Personal Jurisdiction* from state to federal courts, demonstrating the same basic principles apply. Personal jurisdiction's relevant relationship is that between the litigants and the sovereign seeking to resolve their dispute. The Supreme Court called this into question, however, in its recent *Fuld v. PLO* decision, which finally addressed the relationship between Fifth and Fourteenth Amendment in personal jurisdiction.

The article will argue that *Fuld* got one basic insight right but otherwise threatens to warp personal jurisdiction doctrine. The Court correctly noted that the federal government is a different sort of sovereign than the states of the union. But the differences between them should not be treated as relevant in the way the Court has. Relying on faulty assumptions about which cases fall under each amendment and the peculiar facts of *Fuld*, the decision is flawed on its own terms. Its dicta on Fourteenth Amendment jurisprudence would also spread these errors into almost all U.S. litigation. What's more, the Court's approach forecloses more meaningful discussion of the relationship between federal and state courts. The logic of Fifth and Fourteenth Amendment limits on personal jurisdiction should be the same, although the outcomes in particular cases may differ.

U.S. Sanctions Extraterritoriality
(work in progress)

Extending my interest in jurisdiction and sovereignty to the field of economic sanctions, I am also working on a co-authored project (with Professor Christine Abely) that interrogates the U.S. government's reliance on the dollar to shape conduct abroad. Scholars have long disputed the legality under international law of sanctions programs that apply to entirely foreign transactions—that is, transactions with no U.S. parties or other connection, such as a Swiss company contracted

to build a gas pipeline in Europe and to be compensated in euros. The scholarly literature has paid relatively little attention, however, to the so-called "currency-based" or "correspondent banking" theory of jurisdiction whereby the U.S. government sanctions an otherwise foreign transaction purely because it is denominated in U.S. dollars. Our newly compiled data highlights the degree to which currency-based jurisdiction is in fact a cornerstone of U.S. sanctions practice that must be reckoned with. In an eight-year period covering two presidential administrations (2017–2025), we find that currency-based cases represent a minority—twenty percent—of the total number of actions undertaken by the Office of Foreign Assets Control (OFAC). Yet they have been used in a wide range of OFAC sanctions programs, and these cases are many of OFAC's largest enforcements by far. They represent sixty percent of penalties assessed in the period and likely an even greater percent of sanctioned transaction value. Moreover, in the overwhelming majority of currency-based cases, no other justification for U.S. jurisdiction was available. We accordingly argue that currency-based jurisdiction demands far greater attention than it currently receives and that measurements of its true scale must be taken into account. If such cases violate international—or indeed even domestic—law, then bringing OFAC actions into compliance would have enormous impacts, including substantially limiting a tool of U.S. foreign policy.

SUING SOVEREIGNS AND THEIR REPRESENTATIVES

Procedural Sovereign Distinction
57 VAND. J. TRANSNAT'L L. 469 (2024).

In the United States, different procedural rules apply when a litigant sues a foreign private party than when they sue a foreign state party. A rich tradition of scholarship examines, one at a time, various procedural domains with particular salience in transnational litigation. In this Article, I argue it is also important to consider the full picture of how these parties are, or are not, treated differently. I invent the term "procedural sovereign distinction" to refer to this wider-ranging view.

The ostensible reason for distinguishing between these types of parties, and sometimes applying differing procedural rules in cases against them, is that foreign state parties are sovereign while foreign private parties are not. As currently understood in U.S. and international law, foreign sovereigns are co-equals of the United States, presumptively entitled to independence from the United States and its judgment. Accordingly, one might expect that the way these parties are treated differently corresponds to what is unique about sovereignty. In reality, however, the rules that apply in cases against foreign state parties—including in personal jurisdiction, service of process, and injunctive relief—are largely untethered from this understanding of sovereignty. I argue that U.S. decisionmakers should at least take heed of this mismatch and ultimately resolve it.

Monarchy's Shadows
(work in progress)

Even sovereign immunity, which *Procedural Sovereign Distinction* describes as fairly coherent, has its flaws. At one time, discussions of sovereign immunity explicitly assumed that "the sovereign" was in fact an individual, a monarch. U.S. and international law now take for granted that their legal rules have long since abandoned this framework, but monarchy continues to cast shadows on both foreign official and foreign state immunity—including in pernicious ways. This work in progress traces the development of sovereign immunity doctrine from the time of the

U.S. Founding to today, including across *in personam* jurisdiction over the sovereign, *in rem* jurisdiction over the sovereign's property, and *in personam* jurisdiction over the sovereign's representatives. Three central elements from the foreign monarchs era of immunity remain salient today: dignity, divisibility, and violence. Legal and political works from the sixteenth to the nineteenth centuries assume that monarchs are entitled to immunity from foreign jurisdiction by virtue of the dignity of their position, that a monarch's private acts are distinguishable from their public acts, and that there is an essential relationship between a monarch's immunity from foreign jurisdiction and their capacity to engage in violence, especially through interstate war. Contemporary legal opinions in foreign official and state immunity often reiterate dignity language, obscuring policy considerations more relevant to today but otherwise having little practical impact. Divisibility and violence have become far more dangerous, however. This is especially so in the domain of foreign state immunity, where the distinction between public and private acts cannot be cleanly made and where the association with violence has turned sovereignty into a right to commit egregious wrongs, such as torture, enslavement, and arbitrary killing.

Immunity as Justiciability

The many forms of immunity from suit, even when considering only the immunity that public defendants receive, can be a tricky concept to pin down. In lawsuits against foreign states, immunity is treated as a bar to subject matter and personal jurisdiction. In lawsuits against foreign officials and diplomats, it is often treated as a bar to subject matter jurisdiction, but prominent scholars have advocated making it an affirmative defense to liability, which is closer to the approach in qualified immunity. Meanwhile, executive official immunity has been treated sometimes as a jurisdictional matter, sometimes as an affirmative defense, and immunity in lawsuits against tribal sovereigns has simply been a conceptual and doctrinal mess. What's needed is a more coherent descriptive account and a principled normative foundation.

This future project will make a case for an alternative understanding of immunity—as a doctrine of justiciability. Adopting this approach would highlight that immunity in cases against public defendants ought to be about whether a case is appropriate for judicial consideration and that this immunity should not be treated as synonymous with impunity. Other avenues for redress should exist. It would also underscore that personal and subject matter jurisdiction ought to be examined separately from immunity, and, building on a tide of scholarship against qualified immunity, it would further recommend limiting or abandoning this doctrine. That solution would be strengthened by the model for immunity I develop.

THE POLITICAL THEORY OF SOVEREIGNTY AND RIGHTS

What Sovereigns Owe
(dissertation/future book project)

In international discourse today, sovereignty's proponents and detractors often agree on one thing: they view the concept essentially as a bundle of rights. On this sovereignty-as-rights view, any obligations sovereigns have are either derivative of other sovereigns' rights—*e.g.*, an obligation not to interfere in other sovereigns' affairs derived from those sovereigns' rights to non-interference—or voluntarily assumed—*e.g.*, via treaties.

Both sides also turn to similar sources. Scholars, international legal actors, and U.S. domestic courts alike regularly cite early modern European thinkers as authorities on the concept. Moreover, they assert that such thinkers advanced the sovereignty-as-rights view, and they deploy this perspective to argue either for undergirding or abandoning sovereignty.

My dissertation, which I plan to convert into a book, will offer a corrective. Regularly cited thinkers like Hugo Grotius, Thomas Hobbes, and Emer de Vattel did not in fact hold the sovereignty-as-rights view. On the contrary, sovereignty for them was constrained by various external sources. I argue the concept of sovereignty itself as elaborated by these thinkers also imposes certain obligations—to provide physical security and authoritative judgment and to aim at equal flourishing. These aims that sovereignty is *for* should alter our understanding of what sovereignty *is*. Such constitutive obligations are a way of expressing what it is to be sovereign, and they should reshape contemporary debates over the concept and its incorporation in law.

Hobbes and the Liberal Tradition in International Law
39 TEMP. INT'L & COMPAR. L.J. (forthcoming 2025).

Culpability in Atrocity and the Role of Complicit Observer
37 TEMP. INT'L & COMPAR. L.J. 11 (2023).

A pair of invited symposium contributions have also allowed me to reflect on contemporary conversations in international law and political theory. Most recently, I contributed to a symposium on feminism and international legal thought in *Hobbes and the Liberal Tradition in International Law*. Here, I defend continued engagement with Hobbes and highlight elements of his work that readers may not be familiar with, ranging from his atypical views on sex and gender, to his rejection of the disembodied and universalized legal subject, to his discussions of states built through conquest. Taken together, Hobbes is a more generative interlocutor than many assume. In 2022, I was also invited to participate in a symposium on Randle DeFalco's book, *Invisible Atrocities*, grew out of my interest in the relationship between sovereignty and state violence, where sovereignty is both ostensibly a guard against and a license to engage in harm. I argued that what distinguishes cases referred to as "atrocities" from "mere" large-scale tragedies is not simply their harm and scale but the sense that being complicit in such acts would be intolerable.

Impossible Commands: On Law, Rights, and Resistance
(work in progress)

Finally, in a more historical and theoretical project, I am considering the inherent limits of sovereign authority viewed through the lens of individuals' right to disobey the law. In particular, I am interested in two thinkers working at the same time about the same set of issues but whose legacies could not be more different, Thomas Hobbes and Baruch Spinoza. Although Hobbes is known as the arch absolutist and Spinoza as a radical democrat, I argue these characterizations may not fit when we consider their theories of individuals' right to resist commands that would require an act contrary to human nature. At times, Hobbes provided individuals with greater latitude to resist the state, and it is only in Spinoza's later and posthumously published work that he arrived at a standard that rivaled or surpassed Hobbes in this respect. Comparing the theorists along this dimension thus disrupts the popular and scholarly narratives about them, and it offers an opportunity to consider questions of urgent importance in today's legal landscape.