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FORDHAM UNIVERSITY  
THE SCHOOL OF LAW

## *Faculty Bibliography*

July-December 2019

Fordham University School of Law

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This bibliography represents books, journal articles, book chapters and other scholarly writings published or accepted for publication by Fordham Law School Faculty and senior staff between **July 1, 2019** and **December 31, 2019**. Published items appearing in the previous bibliography will not appear in the current bibliography. An item listed as a forthcoming item will appear only in two bibliographies before the item is published. For example, if an item was listed as forthcoming in both the January – June AND the July – December bibliographies it would not be listed again until the item is officially published.

Materials for the Faculty Bibliography were gathered by all the Library Liaisons. Compiling and editing were completed by Alissa Black-Dorward, Janet Kearney, and Nate Delmar. The Law Library would like to thank everyone for their efforts in putting together this Faculty Bibliography.

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### ***Book Chapters & Other Writings:***

“The In-Betweens’ Review: They See Dead People,” *The Wall Street Journal*, October 30, 2019, available at <https://www.wsj.com/articles/the-in-betweens-review-they-see-dead-people-11572474718>.

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A.B. *magna cum laude*, Harvard College, 1999; M.Sc., University of Oxford, 2000; J.D., Yale Law School, 2003

### ***Journal Articles:***

“Risk-Averse Contract Interpretation,” 82 *Law and Contemporary Problems* 1-25 (2019), available at <https://scholarship.law.duke.edu/lcp/vol82/iss4/2>.

“Lying and Cheating, or Self-Help and Civil Disobedience?” \_\_\_\_ *Brooklyn Law Review* \_\_\_\_ (2020) (forthcoming).

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### ***Book Chapters & Other Writings:***

“What is the Moral Problem with Private Tyranny? Is Contract to Blame?” Review of *The Contractualisation of Labour Law* by John Gardner, in *Philosophical Foundations of Labour Law* (Hugh Collins, et al., eds., Oxford University Press, 2019); *Is the Contract of Employment Illiberal?* by Hugh Collins, in *Philosophical Foundations of Labour Law* (Hugh Collins, et al., eds., Oxford University Press, 2019), available at <https://contracts.jotwell.com/?p=789&preview=true>.

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“On the Boundaries of Normativity in Law” in *Normativism and Anti-Normativism* (Alexander Somek, Christoph Bezemek, & Michael Potacs, eds., Oxford: Hart Publishing, 2020) (forthcoming).

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B.A. with honors, University of Michigan, 1979; J.D. *cum laude*, University of Michigan Law School, 1982

***Journal Articles:***

“Lenders’ Roles and Responsibilities in Sovereign Debt Markets,” 2019 *University of Illinois Law Review* 1589-1636 (2019) [with Mark Weidemaier].

***Book Chapters & Other Writings:***

“The Macropolitics and Microeconomics of Global Financial Crises: Bankruptcy as a Point of Reference” in *Sovereign Insolvency: Possible Legal Solutions* (Jasna Garasic and Nadia Bodiroga-Vukobrat, eds., Cham, Switzerland: Springer Press, 2021) (forthcoming) [with Terence Halliday].

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B.A. *magna cum laude*, Yale University, 2001; J.D., University of Virginia School of Law, 2006

***Journal Articles:***

“The Adjudication Business,” \_\_\_ *Yale Journal of International Law* \_\_\_ (2020) (forthcoming).

***Book Chapters & Other Writings:***

“New Courts, New Perspectives,” *The Journal of Things We Like (Lots)* 1-3 (2019).

“Towards the Fifth Restatement of U.S. Foreign Relations Law: The Future of Adjudicative Jurisdiction Under Public International Law” in *The Restatement and Beyond: The Past, Present, and Future of the Foreign Relations Law of the United States (31st Sokol Colloquium)* (Sarah H. Cleveland and Paul B. Stephen, eds., New York: Oxford University Press) (2020) (forthcoming).

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B.A., Amherst College, 1971; A.B., M.A., Oxford University, 1973; J.D., Yale Law School, 1979

***Books:***

Cases and Materials on Legislation and Regulation: Statutes and the Creation of Public Policy, 6th ed. St. Paul, MN: West Academic Publishing, 2020 [with William N. Eskridge, Jr. & Josh Chafetz].

***Journal Articles:***

“Two Roads Diverged: Statutory Interpretation by the Circuit Courts and Supreme Court in the Same Cases,” 88 *Fordham Law Review* 823-886 (2019) [with Lawrence Baum].

“The Belt-and-Suspenders Canon,” \_\_\_ *Iowa Law Review* \_\_\_ (2020) (forthcoming) [with Ethan J. Leib].

***Book Chapters & Other Writings:***

“Square Pegs and Round Holes: Shrinking Protections for Unpaid Interns under the Fair Labor Standards Act” in *From Education to Employment: How Internships and Traineeships are Challenging Labour Regulation* (Rosemary Owens, Joanna Howe, & Andrew Stewart, eds., ILO/Edward Elgar Press, 2020) (forthcoming).

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A.B., Rockhurst University, 1974; J.D., University of California-Berkeley School of Law, 1977

***Books:***

Evidence: The Objection Method, 2019 Supplement. Durham, NC: Carolina Academic Press, 2019 [with Dennis D. Prater, Stephen A. Saltzburg, & Christine M. Arguello].

Federal Rules of Evidence Manual, 12th ed. New York: Matthew Bender, 2019 [with Michael M. Martin & Stephen A. Saltzburg].

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***Journal Articles:***

“Poetry in Motion: The Federal Rules of Evidence and Forward Progress as an Imperative,” 99 *Boston University Law Review* 1873-1931 (2019) [with Liesa L. Richter].

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***Books:***

Property, 6th ed. New York: Wolters Kluwer, 2022 (forthcoming) [with Joseph W. Singer].

Property Law: Rules, Policies and Practices, 8th ed. New York: Wolters Kluwer, 2022 (forthcoming) [with Joseph W. Singer, Eduardo M. Peñalver, & Bethany Berger].

***Journal Articles:***

“The New State Preemption, the Future of Home Rule, and the Illinois Experience,” \_\_\_ *Illinois Municipal Policy Journal* \_\_\_ (2020) (forthcoming) [with Laurie Reynolds].

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“Local Constitutions,” 99 *Texas Law Review* \_\_\_ (2020) (forthcoming).

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***Book Chapters & Other Writings:***

“Regulatory Challenges in the Sharing Economy,” *Public Lawyer*, Dec. 16, 2019 [with John Infranca] available at

[https://www.americanbar.org/groups/government\\_public/publications/public\\_lawyer\\_articles/regulatory-challenges-in-the-sharing-economy/](https://www.americanbar.org/groups/government_public/publications/public_lawyer_articles/regulatory-challenges-in-the-sharing-economy/).

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“The Fair Housing Act’s Original Sin: Administrative Discretion and the Persistence of Segregation” in *Perspectives in Fair Housing* (Philadelphia: Penn University Press, 2020) (forthcoming) [with Eduardo Peñalver].

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B.A., University of Virginia, 1974; M.A., University of Toronto, 1975; Ph.D., University of Pennsylvania, 1982; J.D., University of Pennsylvania Law School, 1989

### ***Journal Articles:***

“How Courts in Criminal Cases Respond to Childhood Trauma,” 103 *Marquette Law Review* 301-363 (2019).

“Rise of the Machines: Artificial Intelligence, Robotics, and the Reprogramming of Law,” 88 *Fordham Law Review* 381-404 (2019) [with Ryan Surujnath].

### ***Book Chapters & Other Writings:***

“Neuroimaging Evidence in Context” in *Handbook of Law and the Cognitive Sciences* (Bartosz Brozek, Jaap Hage, & Nicole Vincent, eds., New York: Cambridge University Press, 2020) (forthcoming).

“Back to the Future with Execution Methods” in *The Eighth Amendment and its Future in a New Age of Punishment* (William W. Berry III & Meghan Ryan, eds., New York: Cambridge University Press, 2020) (forthcoming).

“Neuroscience Evidence in Criminal Justice” in *The Encyclopedia of Behavioral Neuroscience*, 2d ed. (Sergio Della Sala, ed., Amsterdam: Elsevier, 2020) (forthcoming).



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A.B. *magna cum laude*, Harvard University, 1981; J.D. *magna cum laude*, Harvard University, 1985

***Book Chapters & Other Writings:***

“In These Times, How Do We Train Ethical Lawyers?” *National Law Journal*, September 5, 2019, available at: <https://www.law.com/nationallawjournal/2019/09/05/in-these-times-how-do-we-train-ethical-lawyers/?slreturn=20200022190309> [with Russell Pearce].

**HOWARD ERICHSON**

*Professor of Law*

A.B., Harvard University, 1985; J.D., New York University School of Law, 1990

***Books:***

Civil Procedure. New York: Wolters Kluwer, 2020 (forthcoming) [with J. Maria Glover].

***Journal Articles:***

“MDL and the Allure of Sidestepping Litigation,” 53 *Georgia Law Review* 1287-1304 (2019).

“What Is the Difference Between a Conclusion and a Fact?” 41 *Cardozo Law Review* \_\_\_\_ (2020) (forthcoming).

“What Mediators Need to Know about Agency Risks in Mass Dispute Resolution,” 88 *Fordham Law Review* \_\_\_\_ (2020) (forthcoming).

**JOHN D. FEERICK**

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B.A., Fordham University, 1958; LL.B., Fordham Law School, 1961; LL.D. (Honorary), Fordham Law School, 2002

***Books:***

That Further Shore: A Memoir of Irish Roots and American Promise. New York: Fordham University Press, 2020 (forthcoming).

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B.A., Princeton University, 1981; M.A., Yale University, 1982; M. Phil., Yale University, 1987; J.D., Columbia Law School, 1988

***Book Chapters & Other Writings:***

“The Constitution of the United States and Foreign Relations” in *Oxford Research Encyclopedia of American History* (Jon Butler, ed., Oxford: Oxford University Press, 2019).

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B.S. *summa cum laude*, Cornell University, 2009; J.D. *magna cum laude*, Harvard Law School, 2012

***Journal Articles:***

“Prophetic Patents,” 53 *University of California Davis Law Review* 663-732 (2019).

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Mag.iur. [Law], University of Vienna, 1998; Mag.rer.soc.oec. [Business administration], WU Vienna University of Economics, 1998; Dr.iur., University of Vienna, 2001; Dr.rer.soc.oec., WU Vienna University of Economics, 2003; LL.M. (waived for fellowship), Harvard Law School, 2003; S.J.D., Harvard Law School, 2009; M.A., Columbia University, 2018

***Journal Articles:***

“Centros and Defensive Regulatory Competition: Some Thoughts and a Glimpse at the Data,” 20 *European Business Organization Law Review* 467-492 (2019).

“Addressing the Auditor Independence Puzzle: Regulatory Models and Proposal for Reform,” \_\_\_ *Vanderbilt Journal of Transnational Law* \_\_\_ (2020) (forthcoming) [with Aurelio Girrea-Martinez].

***Book Chapters & Other Writings:***

“Abuse of Companies through Choice of Incorporation?” in *Abuse of Companies* (Hanne S. Birkmose, Mette Neville, & Karsten Engsig Sørensen, eds., The Hague: Kluwer Law International, 2019) [with Lécia Vicente].

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### ***Book Chapters & Other Writings:***

Refugees and Decent Work: Lessons Learned from Recent Refugee Jobs  
Compacts. International Labour Organization, Employment Working Paper No. 256 (2019).

“The Obstacles to Decent Work for Migrants in Jordan: A Discussion with Alia Hindawi,” \_\_\_\_  
*Civil Society Review* \_\_\_\_ (2020) (forthcoming).

## **BRUCE A. GREEN**

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***Journal Articles:***

“The Price of Judicial Economy in the US,” 26 *International Journal of the Legal Profession* 105-125 (2019).

“Prosecutors in the Court of Public Opinion,” 57 *Duquesne University Law Review* 271-292 (2019).

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“Brief of Legal Ethics Scholars as Amici Curiae in Support of Petitioner,” *Acklin v. Alabama*, 139 S.Ct. 1374 (2019) (No. 18-640) [with Peter A. Joy, W. Bradley Wendel, & Ellen Yaroshefsky].

“Punishment Without Process: ‘Victim Impact’ Proceedings for Dead Defendants,” 88 *Fordham Law Review Online*, 28-45 (2019) [with Rebecca Roiphe].

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“Bar Authorities,” in *Oxford Handbook of Prosecutors and Prosecution* (Ronald W. Wright, et al., eds., Oxford: Oxford University Press) (forthcoming).

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***Journal Articles:***

“Toward an Interest Group Theory of Foreign Anti-Corruption Law,” 2019 *University of Illinois Law Review* 1227-1266 [with Thomas H. Lee].

“Opt-in Stewardship: Toward an Optimal Delegation of Mutual Fund Voting Authority,” \_\_\_\_ *Texas Law Review* \_\_\_\_ (2020) (forthcoming).

“Does *Revlon* Matter? An Empirical and Theoretical Study,” 108 *California Law Review* \_\_\_\_ (2020) (forthcoming) [with Matthew D. Cain, Robert J. Jackson, Jr., & Steven Davidoff Solomon].

***Book Chapters & Other Writings:***

“Private Ordering Post-*Trulia*: Why No Pay Provisions Can Fix the Deal Tax and Forum Selection Provisions Can’t” in *The Corporate Contract in Changing Times: Is the Law Keeping Up?* (Steven Davidoff Solomon & Randall Stuart Thomas, eds., Chicago: University of Chicago Press, 2019).

“Agency, Authority, and Compliance” in *Cambridge Handbook of Compliance* (D. Daniel Sokol & Benjamin van Rooij, eds., Cambridge: Cambridge University Press) (forthcoming).

“Class Action Nuisance Suits: Evidence from Frequent Filer Shareholder Plaintiffs” in *Cambridge International Handbook of Class Actions* (Brian Fitzpatrick & Randall Thomas, eds., Cambridge: Cambridge University Press, 2020) (forthcoming).

**TANYA KATERÍ HERNANDEZ**

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***Journal Articles:***

“Latin American Racial Equality Law as Criminal Law,” 14 *Latin American and Caribbean Ethnic Studies* 348-358 (2019).

***Book Chapters & Other Writings:***

“Constitutional Controversies: Comparing Constitutions in Latin America regarding Race Discrimination” in *Oxford Handbook of Constitutional Law in Latin America* (Roberto Gargarella & Conrado Hubner Mendes, eds., Oxford: Oxford University Press) (forthcoming).

“El Derecho a la Igualdad y a la No Discriminación” in *Afrodescendientes e Inclusión Social: Más Equidad, Más Derechos* (Organization of American States) (forthcoming).

“Latino Anti-Black Bias and the Census Categorization of Latinos: Race, Ethnicity or Other?” in *Anti-Blackness* (João Costa Vargas & Moon-Kie Jung, eds., Durham, NC: Duke University Press) (forthcoming).

**LEAH HILL**

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B.A. Brooklyn College, 1982; J.D. Rutgers University School of Law, 1985

***Journal Articles:***

“Special Education Disparities Are Social Determinants of Health: A Role for Medical-Legal Partnerships,” \_\_\_ *Progress in Community Health Partnerships: Research, Education, and Action* \_\_\_ (2020) (forthcoming) [with Karen Bonuck].

**CLARE HUNTINGTON**

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B.A., Oberlin College, 1990; J.D., Columbia Law School, 1996

***Journal Articles:***

“The Legal Framework Governing Corporal Punishment,” \_\_\_ *The Psychoanalytic Study of the Child* \_\_\_ (2019) (forthcoming).

“Lessons from the Prekindergarten Movement,” 47 *Fordham Urban Law Journal* \_\_\_ (2020) (forthcoming).

“Conceptualizing Legal Childhood,” 118 *Michigan Law Review* \_\_\_\_ (2020) (forthcoming) [with Elizabeth Scott].

**NICHOLAS JOHNSON**

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B.S.B.A., West Virginia University, 1981; J.D., Harvard University, 1984

***Journal Articles:***

“A Considered African American Practice of Arms,” \_\_\_\_ *Journal of African American History* \_\_\_\_ (forthcoming).

“Defiance and Concealed Carry,” \_\_\_\_ *Law and Contemporary Problems* \_\_\_\_ (forthcoming).

**ROBERT KACZOROWSKI**

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B.S.C., Loyola University; M.A., DePaul University; Ph.D., University of Minnesota; J.D., New York University School of Law

***Book Chapters & Other Writings:***

“Honorable A. Leon Higginbotham, Jr.” in *Of Courtiers and Princes: Portraits of Federal Court Law Clerks and their Judges* (Todd C. Peppers, ed., Charlottesville, VA: University Press of Virginia, 2020) (forthcoming).

**ANDREW KENT**

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***Book Chapters & Other Writings:***

“*Bivens* in National Security Cases, Before and After *Ziglar v. Abbasi*” in *Judging National Security* (Robert M. Chesney & Stephen I. Vladeck, eds., Oxford: Oxford University Press) (forthcoming).

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B.A., Indiana University, 2000; J.D., Yale Law School, 2004

***Journal Articles:***

“Unraveling the Tax Treaty,” \_\_\_ *Minnesota Law Review* \_\_\_ (2020) (forthcoming).

***Book Chapters & Other Writings:***

Brief of Amicus Curiae by Law Academics and Professors in Opposition to the Petition for Rehearing En Banc, *Altera v. Commissioner*, 898 F.3d 1266 (9th Cir. 2018).

“The Big Problem With Wealth Taxes,” *The New York Times*, November 7, 2019, available at <https://www.nytimes.com/2019/11/07/opinion/wealth-tax-constitution.html> [with Daniel Hemel].

**JOSEPH LANDAU**

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***Journal Articles:***

“Process Scrutiny: Motivational Inquiry and Constitutional Rights,” 119 *Columbia Law Review* 2147-2204 (2019).

“Broken Records: Reconceptualizing Rational Basis Review to Address ‘Alternative Facts’ in the Legislative Process,” 73 *Vanderbilt Law Review* \_\_\_ (2020) (forthcoming).

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***Journal Articles:***

“Responsible A.I. Credit Scoring - A Legal Framework,” \_\_\_ *European Law Review* \_\_\_ (forthcoming).

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***Journal Articles:***

“Toward an Interest Group Theory of Foreign Anti-Corruption Laws,” 2019 *University of Illinois Law Review* 1227 – 1267 (2019) [with Sean J. Griffith].

“In Defense of International Comity,” 93 *Southern California Law Review* \_\_\_\_ (2020) (forthcoming) [with Samuel Estreicher].

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B.A. Swarthmore College, 1995; J.D., Harvard Law School, 1999.

***Journal Articles:***

“State Punishment and Meaning in Life,” 71 *Rutgers University Law Review* \_\_\_\_ (forthcoming).

***Book Chapters & Other Writings:***

Review of *Rethinking Punishment* by Leo Zaibert, *Criminal Law and Criminal Justice Books*, July 9, 2019, available at <https://clcjbooks.rutgers.edu/books/rethinking-punishment/>.

“Proportionality in Punishment” in *The Palgrave Handbook of Applied Ethics and Criminal Law* (Kimberly Kessler Ferzan & Larry Alexander, eds., London: Palgrave Macmillan, 2019).

“Problem of Proportional Punishment” in *The Routledge Handbook of Philosophy and Science* (Hanna Pickard & Serge H. Ahmed, eds., Oxford: Routledge, 2019).

“Criminalization, Legal Moralism, and Abolition” Review of *The Realm of Criminal Law* by R.A. Duff, 70 *University of Toronto Law Journal* \_\_\_\_ (2020) (forthcoming).

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B.A., Yale University, 1997; M.Phil., University of Cambridge, 1998; J.D., Yale Law School, 2003; Ph.D., Yale University, 2004

***Books:***

*Loyalty in Life, Law, and Politics*. Oxford University Press, 2021 (forthcoming) [with Stephen R. Galoob].

***Journal Articles:***

“The Belt-and-Suspenders Canon,” \_\_\_ *Iowa Law Review* \_\_\_ (2020) (forthcoming) [with James Brudney].

“Motives and Fiduciary Loyalty,” \_\_\_ *American Journal of Jurisprudence* \_\_\_ (2020) (forthcoming) [with Stephen R. Galoob].

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***Journal Articles:***

“Whitewashing the Family,” \_\_\_ *Wisconsin Law Review* \_\_\_ (2020) (forthcoming).

“The Racial Dimensions of Nonmarriage: A Response to Amanda Miller, Don’t Force my Hand: Gender and Social Class Variation Relationship Negotiation,” \_\_\_ *Arizona Law Review* \_\_\_ (2020) (forthcoming).

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***Books:***

2019 Cumulative Supplement, *New York Evidence Handbook: Rules, Theory, and Practice*, 3d ed. New York: Wolters Kluwer Law & Business, 2017 [with Daniel J. Capra].

*Federal Rules of Evidence Manual*, 12th ed. San Francisco, CA: Lexis Nexis, 2019 [with Daniel J. Capra & Stephen A. Saltzburg].

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***Journal Articles:***

“The Mainstreaming of Sex Workers’ Rights as Human Rights,” 43 *Harvard Journal of Law and Gender* \_\_\_\_ (2020) (forthcoming).

***Book Chapters & Other Writings:***

“Sex Work/Prostitution in Africa” in *Oxford Encyclopedia of African Women’s History* (Dorothy L. Hodgson, et al., eds., Oxford: Oxford University Press, 2020) (forthcoming).

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*Professor of Law*

B.A., Stanford University, 1994; M.I.A., Columbia University, 2000; J.D., Columbia Law School, 2000

***Books:***

End of an Era: How China’s Authoritarian Revival is Undermining its Rise. New York: Oxford University Press, 2019.

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