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Research Interests

International and Comparative Law, Legal Theory, Legal History

Academic Honors

Fulbright Scholar
DAAD Lektor

Employment

Fulbright Specialist, Bosnia 2016
Professor, Council On International Educational Exchange, Berlin Campus 2015
Bahcesehir Universität, Berlin Campus, 2014-2015
Fulbright Specialist, Ukraine, March 2014
Humboldt Universität, Berlin, Germany 2011-2014
Pericles-ABLE, Moscow, Russia, 2010-2011 Visiting Professor
Harvard University, Legal Translator and Research Aid 2008-2010
University of Tartu, Estonia Guest Lecturer, E.U. Law, 2006-2007
University of Bremen, Germany, Lecturer, 2001-05
Créapole-ESDI Paris, France, Lecturer, 1999-2000

Education

LL.M., German Law, Humboldt Universität, Berlin 2014.

Harvard University, Central Challenges of American National Security, Strategy, and the Press: An Introduction. Certified, 2013.

Post Doctoral Research Aid, Harvard Law School, 2007-10.

Dr.Jur., Universität Bremen, Universität Bremen, Germany, 2006.
“Private Law Remedies to Human Rights Violations” Marie Curie Fellowship

LL.M.Eur., Universität Bremen, Germany, 2000-01.
Volkswagen Foundation Fellowship.

D.E.A., *with congratulations of the jury* (mention, félicitations du jury – magna cum laude),
Fiscalité & Finances Publiques, Université Paris II (Sorbonne), 2000-2001. *Les Ecotaxes en France*.Scholarship of the French Republic.

D.E.A., Théorie Générale du Droit, University of Paris X, France, 1998-1999,

J.D., Saint Louis University School of Law St. Louis, Missouri, 1988-1991. ROTC scholarship.

B.A., Political Studies, Queen’s University, Kingston Ontario. Upper Second.
Brewster memorial scholarship.

PUBLICATIONS

Articles.

94. *Is Bitcoin Rat Poison: Cryptocurrency, Crime, and Counterfeiting (CCC)*, J. High Tech. L. 16, 340 (2016).
93. *It Would Be Funny, If It Weren't So Sad: Putin and Hitler*, St. Louis L. J., Online (17 March, 2015).
92. *A New Cold War? Cold Peace. Russia, Ukraine, NATO*, 59 St. Louis L.J. 97 (2014).
91. *Alternative Corporate Finance: Attracting Capital through Self-Financing and Corporate Social Reporting* 22 Currents Int'l Trade L.J. 17 (2014).
90. *Emulating the German Two-Tier Board and Worker Participation in U.S. Law: A Stakeholder Theory of the Firm*, 45 Golden Gate U. L. Rev. 69 (2015). Co-Author: Tetiana Danyliuk.
89. *Europe's Common Foreign and Security Policy: Facing Crises in Ukraine and Syria*, 25 Indiana Int'l. & Comp. L. Rev. 148 (2015). Co-Author: Tetiana Danyliuk.
88. *Nachhaltige Finanzanlage? – Kapitalmarkt Wettbewerb und die Regulierung des „Grauen Kapitalmarktes“* Freilaw 3/2014 24-31.
87. *Gay Rights in Russia: Russia's Ban on Gay Pride Parades and the General Principle of Proportionality in International Law* 6/2 Journal of Eurasian Law 22 (2013).
86. *A Single European Rail Market: Shadow Decision For Gazprom* 6/1 Journal of Eurasian Law 41-54 (2013)
85. *The International Criminal Court, the United States, and the Domestic Armed Conflict in Syria*, 14 Chi.-Kent J. Int'l & Comp. L. 146 (2013).
84. *The International Criminal Court and Lubanga: the Feminist Critique and Jus Cogens*, Bocconi Legal Papers, No. 2013-03/IT (2013).
83. *A Pacific Blockade of Syria*, 22 MINN. J. INT'L L. ONLINE 1-14 (2013)
82. *Humanitarian Intervention and Syria* 18 Barry L. Rev. 129 (2012)
81. *The Globalization of Antitrust and Competition Law*, 21 Currents Int'l Trade L.J. 3 (2012)
80. *Lawfare, Wikileaks, and the Rule of Law*. Humboldt Forum Recht 190 – 195 (2012)
79. *Kiobel v. Royal Dutch Petroleum Co.: Corporate Liability under the Alien Torts Statute* 34 Houston Journal of International Law 499-517 (2012).

78. *Truman and the Rise of the Cold War: Lessons from the Past for the Present*, with Dr. John Kadar, 9 *Miskolc Journal of International Law* 33-42 (2012) (Miskolci Nemzetközi Jogi Közlemények), Hungary.
77. *Libertarianism and Resistance to Civil Asset Forfeiture to the State*, 2 *Int. J. of Public Law and Policy*, 287 - 298 (2012).
76. *Targeted Killing? Terrorists, Insurgents, and Pirates*, *Berkeley Journal of International Law, Publicist*, #9, '11 (2011).
75. *From Russia with Love: The EU, Russia, and Special Relationships*, 10 *Richmond Journal of Global Law and Business* 549-595 (2011).
74. *The Rights Orchestra: Proportionality, Balancing, and Viking*, 17 *New England Journal of International and Comparative Law* 87-120 (2011).
73. *The Convention on the Rights of the Child*, 29 *Quinnipiac Law Review* 793-819 (2011).
72. *Karl Marx's Intellectual Roots in John Locke*, 7 *Postmodern Openings* 29-37 (2011).
71. *Legal interpretation by computer: A Survey of Interpretive Rules*, 5 *Akron Intellectual Property Journal* 71-93 (2011).
70. *Westphalian Procedure, Post-Westphalian Substance: Alien Torts in Bolivia*, 17 *E. Afr. J. Peace & Hum. Rts.* 264-268 (2011).
69. *Extradite or Prosecute? Belgium v. Senegal*, 38 *Berkeley J. Int'l L. Publicist* 37-40 (2011).
68. *I Get by with a Little Help from My Friends? Understanding the U.K. Anti-Bribery Statute, by Reference to the OECD Convention and the Foreign Corrupt Practices Act*, 44 *The International Lawyer* 1173-1188 (2011).
67. *The Crisis: Libertas and Veritas*, 17 *ILSA Journal of International and Comparative Law* 57-70 (Fall 2010).
66. *The Armenian Massacres & Deportations of 1894-1896 and 1915: A Crime against Humanity*, 3 *J. Eurasian L.* 69, (2010).
65. *Law and Literature: Story-telling and Norms in Rousseau's Emile*, 18 *Buff. J. Gender, L. & Soc. Pol'y* 1 (2009-2010).
64. *A Viking We Will Go! Neo-Corporatism and Social Europe*, 11 *German Law Journal* No. 6, 633-652 (2010).
63. *Global Norm Convergence: Capital Markets in U.S. and E.U. Law*, 21 *European Business Law Review* 465-490 (2010).

62. *Contemporary Legal Thought*, Harvard E.U. Law Working Papers' Series (2010).
61. *Editorial, Contemporary Legal Thought*, 6 J. Juris. 116-120, 259 (2010).
60. *Managing Pluralism*, 38 Berkely J. Int'l L. Publicist, 37-40 (2010).
59. *U.N. Packing the State's Reputation? A Response to Professor Brewster's "Unpacking the State's Reputation"*, 114 Penn St. L. Rev. Penn Statim 34-40 (2010).
- 58 *A Primer on Left Legal Theory: Realism, Marxism, CLS & PoMo* 3 The Crit 64-78 (Summer 2010).
57. *Computer Crime and Financial Fraud: United States v. Van Dinh*, Harvard Journal of Law and Technology, Digest Comment, January 7, 2010 (Four pages).
56. *Taking the Right Seriously: Hohfeldian Semiotics and Rights Discourse*, 3 The Crit 84-107 (2010).
55. *EU-Israel Free Trade & the Occupied Territories*, HARV. INT'L L.J. (2009).
54. *Turkey Liable before ECtHR*, HARV. INT'L L.J. (2009).
53. *Rethinking the "War On Terror": Legal Perspectives on Containment and Development Strategies*, 1 City Univ. Hong Kong L.Rev. Number 2 (13 pages) (2009).
52. *Europe Deciphered: Ideas, Institutions and Laws*, 33 Fletcher Forum of World Affairs 63-84 (2009).
51. *The Problem of Universals in Late Modern Legal Theory: Paradoxes of State Power*, 6 Indian J. Hum. Rts. & L. 423-450 (2009).
50. *New Technologies and the Fourth Amendment*, Harvard Journal of Law and Technology, Harvard Journal of Law and Technology Digest Comment, December 29, 2009 (Four pages).
49. *Sony BMG Music Entertainment et al. v. Tannenbaum*, Harvard JOLT Digest Comment, December 17, 2009 (one page).
48. *Columbia and Venezuela: Commerce Cures*, Harvard International Law Journal Digest Comment, November 15, 2009 (two pages).
47. *A Social-Market Economy for Rapid Sustainable Development*, 2 Gujarat Nat'l L. Univ., J. L., Development, & Politics, 42-62 (2009).
46. *The Problems of Indeterminacy and Autonomy of Law*, 2 India L.J. (Oct.-Dec. 2009).
45. *Aristotelian Theory and Causation: The Globalization of Tort*, 2 Gujarat Nat'l L. Univ. L. Rev. 109-126 (2009).

44. *Third Party Effect of Fundamental Rights (Drittwirkung)*, 5 *Hanse L. Rev.* 165-173 (2009).
43. *Beyond Sovereignty*, *ILSA Journal of International Law* 15 *ILSA J. Int'l & Comp. L.* 33-47 (2008).
42. *The Red Queen Meets the Cheshire Cat? Mackinnon, Marx and the Mirror Stage of Production*, 2 *The Crit* 1-25 (2009).
41. *Constitutive Cases: Marbury v. Madison Meets Van Gend & Loos*, 5 *Hanse Law Review* 33-46 (2009).
40. *Environmental Protection as an Obstacle to Free Movement of Goods: Realist Jurisprudence in Articles 28 and 30 of the E.C. Treaty* 27 *J. of Law & Commerce* (Winter 2008).
39. *Human Rights According to Marxism*, 65 *Guild Prac.* 249-254 (2008).
38. *Ontology, Epistemology, Axiology: Bases for a Comprehensive Theory of Law*, 8 *Appalachian J.L.* 103-122 (2008).
37. *Law and Economics*, 2 *Journal Jurisprudence* 49, 29-60 (2009).
36. *General Principles of Community Environmental Law*, 17 *Penn St. Env'tl. L. Rev.* 215-224 (2009).
35. *Law as Lex v. Ius*, 1 *Journal Jurisprudence* 31-50 (2008).
34. *Aristotle, Law And Justice: The Tragic Hero*, 35 *N. Ky. L. Rev.* 1-17 (2008).
33. *The Fake Revolution: Understanding Legal Realism*, 47 *Washburn L.J.* 653-674 (2008).
32. *Death is unconstitutional: How Capital Punishment Became Illegal in America, A Future History*, 6 *Pierce L. Rev.* 485-514 (2008).
31. *Ecotaxes and the European Union*, *European Environmental Law Review* 2007, 16(11), 298-303.
30. *Insider Trading in U.S. Law*, 32 *Okla. City U. L. Rev.* 37-85 (2007).
29. *Universal Human Rights: A Generational History*, 12 *Ann.Surv. Comp. L. Golden Gate Univ.* 219-268 (2007).
28. *Green with Envy? Greenmail is good! Green with Envy? Greenmail is good!* 5 *DePaul Bus. & Com. L.J.* 427-436 (2007).
27. *European Law in American Courts: Foreign Law as Evidence of Domestic Law*, 33 *Ohio N.U. L. Rev.* 99-112 (2007).

26. *Knight's Gambit to Fool's Mate: Beyond Legal Realism*, 41 Val. U. L.Rev. 1633-1683 (2007).
25. *The Alien Tort Statute and the Torture Victims Protection Act: Jurisdictional Foundations and Procedural Obstacles*, 14 Willamette J. Int'l L. & Disp. Resol. 1-48 (2006).
24. *The EU Means Business: A Survey of Legal Challenges and Opportunities in the New Europe*, 4 DePaul Bus. & Com. L.J 351-399 (2006).
23. *Theseus's Ship of State: Confederated Europa between the Scylla of Mere Alliance and the Charybdis of Unitary Federalism*, 8 Fla. Coastal L. Rev. 27-52 (2006).
22. *I am my own worst enemy: Problems and Possibilities of European Foreign policy vis-à-vis the United States*, 17 St. Thomas L. Rev. 737-759 (2006).
21. *What You Don't Know Can Hurt You: Human Rights, Shareholder Activism and SEC Reporting Requirements*, 57 Syracuse L. Rev. 63-96 (2006).
20. *Extraterritorial Corporate Criminal Liability: A Remedy for Human Rights Violations?* 20 St. John's J. Leg. Comment. 287-337 (2006).
19. *The Third Wave? The Generation Theory of Human Rights*, 7 Vera Lex 77-123 (2006).
18. *Harmonisation of rights of privacy and personality in the European Union*, 1 London Law Review 215-240 (2005).
17. *Alvarez-Machain v. United States and Alvarez-Machain v. Sosa: The Brooding Omnipresence of Natural Law*, 13 Willamette J.Int'l L. & Disp. Resol. 149-196 (2005).
16. *An Introduction to Artificial Intelligence and Legal Reasoning: Using Xtalk to Model the Alien Tort Claims Act and Torture Victim Protection Act*, 1 Rich. J. L. & Tech. 2-36 (2004), with computer program
15. *U.S. Corporate Liability for Torts of (Foreign) Subsidiaries*, 23 May Corporate Counsel Review 15-42 (2004).
14. *Extraterritorial Jurisdiction: Can RICO Protect Human Rights? A Computer Analysis of a Semi-Determinate Legal Question*, 3 J. High Tech. L. 1-23 (2004). (with computer program)
13. *Transformation of the International Legal System: the Post-Westphalian Legal Order*, 23 QLR 23-45 (2004).
12. *The Failure of the Nation State and the New International Economic Order*, 16 St. Thomas L.Rev. 187-206 (2004).
11. *The Alien Tort Claims Act and Foucault's Archaeology of Knowledge*, 67 Alb. L. Rev. 501-525 (2003).

10. *Corporate Social Responsibility: Market Based Remedies for International Human Rights Violations?* 40 Willamette L. Rev. 103-121 (2003).
9. *Using WYSH Computer Programs to Model the Alien Tort Claims Act*, 6 Yale J. L. & Tech. 161-170 (2003) (with computer programs).
8. *The Professionalization Thesis: The TBR, the WTO and World Economic Integration*, 11-WTR Currents: Int'l Trade L.J. 16-26 (2003).
7. *Smoke and Mirrors or Science? Teaching Law with Computers*, 9 Rich. J. L. & Tech. 2-16 (2004) (With computer program).
6. *E-Mail Werbung im Deutschen Recht*, Jurawelt, (2003).
5. *When is Fair Use Fair? A comparison of E.U. and U.S. Intellectual Property Law*, 15 Transnat'l L. 187-225 (2002).
4. *L'Interprétation du Droit par l'Exemple de la Convention Fiscale Franco-Américain: Peut-on Modéliser le Droit Fiscal par l'Informatique?* 131 Rev. Fisc. Euro. & Dt. Int'l. des Affaires 43-51 (2001) (with computer program)
3. *La Fiscalité Verte en France*, NetIris (103 pages) (2001)
2. *Critical Legal Studies in America* (2000) (5 pages, Erlangen Conference).
1. *FCC Regulation of Political Broadcasts*, 14 Communications and the Law, Autumn (1992) (ca. 30 pages).

Monographs

17. *Multistate Bar Review Answers and Explanations: 581 from the 1992 Bar Exam* (2016) (Repetitorium)
16. *Multistate Bar Review: 1998* (2016) (Repetitorium)
15. *U.S. Constitutional Law for German Speaking Jurists (Casebook)* (2013)
14. *U.S. Contract Law for German Speaking Jurists (Casebook)* (2013)
13. *The Company Law of the United States of America (Casebook)* (2013)
12. Quizmaster Point of Law Review Series (Author-Editor): *Property, Contracts, Torts, Civil Procedure, Equitable Remedies, Constitutional Law, Real Estate Transactions, Commercial Paper, Criminal Law, Corporations* (Quizzers/Repetitorium)(2015)
11. *Post Positivism*, (Berlin: Duncker-Humblot, 2014) 420 pages.
Translators Law Dictionary (2012)
10. *Ideas In Conflict: International Law and the Global War on Terror* (Eleven International, The Hague, 2012). 268 pages.
9. *Russia, the EU and the CIS* (Eleven International, The Hague, 2012). 320 pages.
8. *Marxism, Liberalism, and Feminism* (Serials Publications, New Delhi 2010) 126 pages.
7. *A Dictionary of Tort Law (Deliktsrecht) (English-German)*, (Lambert 2010) 104 pages.
6. *The Alien Torts Statute: Extraterritorial Jurisdiction in U.S. and International Law*, 236 pages (Lambert, 2010).
5. *Computers, Games and Art: Artificial Intelligence and Political Representation*, (Lambert, 2010) 124 pages.
4. *Les Ecotaxes en France*, (Grin, 2001) 100 pages.
3. *La theorie et histoire de la fiscalite aux USA: La nouvelle orthodoxie economique*, (Grin, 2010) 229 pages.
2. *Societe simulation et cybernetique: La semiotique et le post-moderne*, (Grin 2009) 97 pages.
1. *Alien Torts in Europe? Human Rights and Torts in European Law*
ZERP Diskussionspapier, 1/2005, 78 pages.

Selected Translations:

Gunther Teubner, *Transnational Economic Constitutionalism in the Varieties of Capitalism*, 1 *ItaLJ* 219 (2015),

Martin Herberg, *Private Authority, Global Governance and the Law*, in Gerd Winter (ed.), *Multilevel governance of global environmental change* (Europa, 2006).

Gert Brueggemeier, COMMON PRINCIPLES OF TORT LAW: A PRE-STATEMENT OF LAW (BOOK II, 2004).

Gerd Winter in J. Hans (ed.) *The European Convention and the Future of European Environmental Law* (Europa, 2003).

Various national reports for the Common Core of European Private Law Project, ZERP.
Numerous smaller pieces in computer science.

Book Chapters:

"Tort Law and Human Rights" in Bussani, Mauro and Sebok, Anthony *Comparative Tort Law: Global Perspectives* (Elgar, 2015)

"Aristotle and Proportionality" in Hupperts-Cluysenaer, Liesbeth; Coelho, Nuno M.M.S. (Eds.), *Aristotle and The Philosophy of Law: Theory, Practice and Justice*, Springer: Ius Gentium: Comparative Perspectives on Law and Justice, Vol. 23. (Springer, 2013)

"Extraterritorial Human Rights and RICO after Morrison v. National Australia Bank Ltd.", in Manoj Kumar, *Business and Human Rights* (Sage, 2013)

"Marx and Locke" in Kolb David, Salman Ahmed Shaikh, Druzin Bryan, *Postmodern Quests in Applied Philosophy*, (Lumen, 2012).

"Ecotaxes" in A. Usha (ed.), *Environmental Law : Principles and Governance*, Hyderabad, India : Icfai University Press, Amicus books (2007).

Encyclopedia Article:

"Lenin and Leninism" with Jodi Dean and Diana Coole. *Encyclopedia of Political Thought* (Wiley, 2014).

Scholarship Committees:

Fulbright Foundation, Ukraine. 2014 – Present

Muskie Scholarship (United States Department of State) Judge, Moscow 2010.

In these functions I provide scientific advice to U.S. Sponsors of foreign scholars seeking funding to study law in the United States.

Editorial Positions:

Harvard E.U. Law Working Papers' Series – Editor in Chief (2008-2010).

National Lawyer's Guild Review, Guild Practitioner – Articles Editor (2009-Present).

Guest Editor, Journal Jurisprudence, Vol. 6. (2010).

Harvard International Law Journal – Line editor, Online Editor, Contributor (2009).

Harvard Environmental Law Review – Line Editor (2009).

Harvard Human Rights Law Journal – Line Editor (2009).

Harvard Journal of Law and Technology – Online Editor, Contributor (2009-2010).

Lectures

E.U. Foreign Affairs, Fletcher School of Law and Diplomacy (2008).

Teaching Materials

English-German tort law dictionary <http://lexnet.bravepages.com/tortdict.htm>

Social Sciences Research Network: <http://ssrn.com/author=879868>

Personal Website: <http://mindworks.altervista.com>

Languages:

English, French, German: C2, Native or Near Native Fluency

Russian, Spanish: B2, Capable

Estonian, Mandarin Chinese A2 / HSK3

Italian, Dutch: reading knowledge only.

References:

Professor Philip Alston: philip.alston@nyu.edu NYU Law School
(International law and international human rights law)

Professor David Kennedy, Harvard University: dkennedy@law.harvard.edu
(International law)
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Professor Duncan Kennedy, Harvard University: kennedy@law.harvard.edu
(Legal theory)

Professor Emeritus Michel Troper, Université Paris X, Nanterre: michel.troper@cegetel.net
(Legal theory)

Research Goals

My research concentrates on the connections between business law and (international) human rights. On the one hand, free trade creates prosperity and encourages peace. On the other, any individual business has an incentive to externalize costs whether through pollution, tax evasion, or violations of basic human rights e.g., forced labor. These research objectives are reflected in my use of computers as a research and teaching aid. I try to identify and attack injustice through cross-cutting perspectives on law. Legal theory, comparative law, and legal history are all perspectives I apply to show how unfair laws can be critiqued and reformed. “Left” and “right” come together in my work as basic human rights are protected via market mechanisms and peace is preserved through prosperity and interdependence.