

# McGill University Faculty of Law Annual Report

## 2020 Publications by Active Professors\*

### Kirsten Anker

Ecological Jurisprudence and Indigenous relational ontologies: beyond the “ecological Indian”?  
Routledge. **Chapters in edited collections or other volumes** 2020.

From Environmental to Ecological Law. **Collections co-edited**. 2020.

### Mark Antaki

(Comment) enseigner Foucault aux jurists? Les doctorant(es) en droit face à leurs normes. **Chapters in edited collections or other volumes**. 2020.

Livrer le droit – or what makes a book binding? Jurisprudence: Revue Critique. **Peer-reviewed journal articles**. 2020.

Making sense: Exemplarity and the Unruliness of Judgement. Edinburg University Press. **Chapters in edited collections or other volumes**. 2020.

### Andrea Bjorklund

The Diversity Deficit in International Investment Arbitration. Journal of World Investment and Trade. **Peer-reviewed journal articles (print or online)**. 2020.

Due Process as a Limit to Arbitral Discretion in International Commercial Arbitration: Country Report for Canada. Kluwer Press. **Chapters in edited collections or other volumes**. 2020.

Enforcement of Arbitral Awards. Oxford University Press. **Chapters in edited collections or other volumes**. 2020.

Foreign Investors’ Responsibilities and Contributory Fault in Investment Arbitration. International and Comparative Law. **Peer-reviewed journal articles (print or online)**. 2020.

### Adelle Blackett

Domestic workers and Informality: Challenging Invisibility, Regulating Inclusion. Routledge Explorations in Development Studies. **Chapters in edited collections or other volumes**. 2020.

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\* Excludes colleagues on medical or other long-term leave, but includes colleagues on sabbatical leave.

Elles témoignent de la dignité du travail et de l'absence de banalité de leur fonction. Le Seuil. **Chapters in edited collections or other volumes.** 2020.

Emancipation in the Idea of Transnational Labour Law. ILR Press. **Chapters in edited collections or other volumes.** 2020.

Genetic Testing and the Governance of Risk in the Contemporary Economy: Comparative Reflections in the Insurance and Employment Law Contexts. Springer. **Book or Monograph.** 2020.

International Labour Law Review, Volume 159, No. 4. Guest Edited. **Collections edited or co-edited.** 2020.

Introduction: Transnational Futures of International Labour Law. International Labour Review. **Other non-refereed articles, comments, reviews, etc.** 2020.

On Social Regionalism in Transnational Labour Law. International Labour Law Review. **Peer-reviewed journal articles (print or online).** 2020.

## Allison Christians

Canada's Experience with the International Compliance Assurance Program. Kluwer Law. **Chapters in edited collections or other volumes.** 2020.

Facebook's Libra: The Next Tax Challenge for the Digital Economy. Stanford Journal of Blockchain Law and Policy. **Peer-reviewed journal articles (print or online).** 2020

Funding Pandemic Prevention: Proposal for a Meat and Wild Animal Tax. Sustainability. **Peer-reviewed journal articles (print or online).** 2020

International Tax in the Digitalized Economy Era. IBDT. **Chapters in edited collections or other volumes.** 2020.

International Tax Organizations. Edward Elgar. **Chapters in edited collections or other volumes.** 2020.

It's Time for Pillar 3: A Global Excess Profits Tax for COVID-19 and Beyond. Tax Notes International. **Other non-refereed articles, comments, reviews, etc.** 2020.

Really Basic Rules for Writing Good Papers in Law School. The Green Bag. **Other non-refereed articles, comments, reviews, etc.** 2020.

Taxation in the Age of Smart Contracts: The CryptoKitty Conundrum. Ohio State Law Journal. **Peer-reviewed journal articles (print or online).** 2020

Tax Competition as an Investment Promotional Tool. Routledge. **Chapters in edited collections or other volumes.** 2020.

Tax Cryptographia: Exploring the Fiscal Design of Cryptocurrencies. McGill Law Journal. **Peer-reviewed journal articles (print or online)**. 2020

OECD Digital Economy Designers: Share Your Work! Tax Notes International. **Other non-refereed articles, comments, reviews, etc.** 2020.

## Ignacio Cofone

Class Actions in Privacy Law. Routledge. **Book or Monograph**. 2020.

Cy Pres Settlements in Privacy Class Actions. In Press. **Chapters in edited collections or other volumes**. 2020.

Introduction to Privacy Class Actions. Routledge. **Chapters in edited collections or other volumes**. 2020.

Nothing to Hide, but Something to Lose. University of Toronto Law Journal. **Peer-reviewed journal articles (print or online)**. 2020

Online Harms and the Right to be Forgotten. Routledge. **Chapters in edited collections or other volumes**. 2020.

The Right to be Forgotten: A Canadian & Comparative Perspective. Routledge. **Book or Monograph**. 2020.

The Right to be Forgotten in Peace Processes. Routledge. **Chapters in edited collections or other volumes**. 2020.

## François Crépeau

From the 2015 European “Migration Crisis” to the 2018 Global Compact for Migration: A Political Transition Short on Legal Standards. McGill Journal of Sustainable Development Law. **Peer-reviewed journal articles (print or online)**. 2020

Migration Law and Policy on the Road to Redemption: Hostile Identity Politics v. Individual Rights and Socioeconomic Benefits. **Other non-refereed articles, comments, reviews, etc.** 2020.

## Helge Dedek

Access to Colonial Law: Legal Literature and Legal Commentaries in Canada. Tübingen: Mohr Siebeck. **Chapters in edited collections or other volumes**. 2020.

## Jaye Ellis

Calculative Practices in International Environmental Governance: In (Partial) Defence of Indicators. *Transnational Environmental Law. Peer-reviewed journal articles (print or online)*. 2020

Social Nature: Political Economy, Science, and Law in the Anthropocene. Cambridge University Press. *Chapters in edited collections or other volumes*. 2020.

## Yaëll Emerich

Coder-Décoder: Linguistique et Concepts Juridiques. Co-Edited. *Collections edited or co-edited*. 2020.

Discussing the Values: Retrieving Use Value in Housing Contexts. *European Property Law Journal. Peer-reviewed journal articles (print or online)*. 2020

La resurgence des communs en droit des biens contemporain: étude sur les cohabitants écologiques et les ruelles vertes. *Revue Générale de Droit. Peer-reviewed journal articles (print or online)*. 2020

Regard comparatif sur le numerus clausus des droits reels: une perspective Canadienne. *Revue critique de legislation et de jurisprudence. Peer-reviewed journal articles (print or online)*. 2020

## Omar Farahat

Peace to Those of Faith: Ideas of Belonging in Classical Islam. Roel Meijer. *Chapters in edited collections or other volumes*. 2020.

Review of Islam as Critique: Sayyid Ahmad Khan and the Challenge of Modernity. *The Journal of Islamic Ethics. Other non-refereed articles, comments, reviews, etc.* 2020.

## Evan Fox-Decent

The Constitution of Equity. Oxford University Press. *Chapters in edited collections or other volumes*. 2020.

Jurisprudential Reflections on Cosmopolitan Law. Cambridge University Press. *Chapters in edited collections or other volumes*. 2020.

Trust and Authority. Cambridge University Press. *Chapters in edited collections or other volumes*. 2020.

## Fabien Gélinas

Execution Immunities and the Effect of the Arbitration Agreement. *Journal of International Arbitration. Other non-refereed articles, comments, reviews, etc.* 2020.

Legal Certainty and Arbitration. Oxford University Press. **Chapters in edited collections or other volumes.** 2020.

The Legal Framework of Arbitration” International and National Legal Sources. Cambridge University Press. **Chapters in edited collections or other volumes.** 2020.

## Richard Gold

From discovery to delivery: public sector development of the rVSV-ZEBOV Ebola vaccine. J. of L. and the Biosciences. **Peer-reviewed journal articles (print or online).** 2020

International Trade, Intellectual Property, and Innovation Policy: Long-Term Lessons from the COVID-19 crisis. University of Ottawa Press. **Chapters in edited collections or other volumes.** 2020.

Open drug discovery of anti-virals critical for Canada’s pandemic strategy. FACETS. **Peer-reviewed journal articles (print or online).** 2020

## Ram Jakhu

Rule of law vital for humanity’s sustainability and survival. The Journal of Asgardia. **Other non-refereed articles, comments, reviews, etc.** 2020.

Threats to Peaceful Uses of Outer Space: Politics and Law. Astropolitics. **Peer-reviewed journal articles (print or online).** 2020

## Sébastien Jodoin

Climate Change Litigation in Canada. Verlag Beck. **Chapters in edited collections or other volumes.** 2020.

A Disability Rights Approach to Climate Governance. Ecology Law Quarterly. **Other non-refereed articles, comments, reviews, etc.** 2020.

Realizing the Right to be Cold? Tracing the Impact of the 2005 Inuit Petition on Human Rights and Climate Justice. Law & Society Review. **Peer-reviewed journal articles (print or online).** 2020

Vice or Virtue? Flexibility in Transnational Environmental Law. Routledge. **Chapters in edited collections or other volumes.** 2020.

## Mugambi Jouet

Reading Camus in Time of Plague and Polarization. Boston Review. **Other non-refereed articles, comments, reviews, etc.** 2020.

The Trump Cult is Loyal to an Ideology, Not the Man. The New Republic. **Other non-refereed articles, comments, reviews, etc.** 2020.

When it Comes to Racism in America, Policing Is Just the Tip of the Iceberg. UC Press Blog. **Other non-refereed articles, comments, reviews, etc.** 2020.

### Rosalie Jukier

Grieving and Learning in Solitary Confinement: Some Uncanny Parallels. Lex Electronica. **Chapters in edited collections or other volumes.** 2020.

### Lara Khoury

Genetic Testing and the Governance of Risk in the Contemporary Economy: Comparative Reflections in the Insurance and Employment Law Contexts. Springer. **Book or Monograph.** 2020.

Liability Issues for the Use of Artificial Intelligence in Health Care in Canada- AI and Medical Decision Making. Dalhousie Medical. **Peer-reviewed journal articles (print or online).** 2020

Electronic Personal Health Records Implementation and Governance Challenges in Canada. Legal, Social and Ethical Perspectives on Health & Technology. **Chapters in edited collections or other volumes.** 2020.

### Alana Klein

Harm Reduction Works: Evidence and Inclusion in Drug Policy and Advocacy. Health Care Analysis. **Peer-reviewed journal articles (print or online).** 2020

Situer les programmes de déjudiciarisation au niveau des tribunaux dans les critiques juridiques globales. Psychologie et droit. **Chapters in edited collections or other volumes.** 2020.

### Robert Leckey

Repugnant: Homosexuality and Criminal Family Law. University of Toronto Law Journal. **Peer-reviewed journal articles (print or online).** 2020

Religion and Same-sex Marriage. Thémis. **Chapters in edited collections or other volumes.** 2020.

### Marie Manikis

Comparative Perspectives on Victim Participation in Justice Proceedings. The Oxford Encyclopedia of International Criminology. **Chapters in edited collections or other volumes.** 2020.

Punishment and Retribution Within the Bail Process: An Analysis of the Public Confidence in the Administration of Justice Ground for Pre-Trial Detention. Canadian Journal of Law and Society. **Peer-reviewed journal articles (print or online)**. 2020

Role of the Victim at Sentencing. Irwin Law. **Chapters in edited collections or other volumes**. 2020.

The Search for Reconciliation through Accountability. Policy Options. **Other non-refereed articles, comments, reviews, etc.** 2020.

## Frédéric Mégret

Activists on the High Seas: Reinventing International Law from the Mare Liberum. International Community Law Review. **Peer-reviewed journal articles (print or online)**. 2020.

The Anti-Deterrence Hypothesis. What if International Criminal Justice Encouraged Crime? Journal of International Criminal Justice. **Peer-reviewed journal articles (print or online)**. 2020

The Changing Face of Protection of the State's Nationals Abroad. Melbourne Journal of International Law. **Peer-reviewed journal articles (print or online)**. 2020.

Do Not Do Abroad What You Would Not Do At Home? An Exploration of the Rationales for Extra-Territorial Criminal Jurisdiction Over a State's Nationals. Canadian Yearbook of International Law. **Peer-reviewed journal articles (print or online)**. 2020.

The Economic and Social Council. Oxford University Press. **Chapters in edited collections or other volumes**. 2020.

Homeward Bound? Global Mobility and the Role of the State of Nationality During the Pandemic. AJIL Unbound. **Other non-refereed articles, comments, reviews, etc.** 2020.

The International Criminal Court: Between State Delegation and International Jus Puniendi. Max Planck Yearbook of United Nations Law. **Peer-reviewed journal articles (print or online)**. 2020

International Criminal Justice, Global Legal Pluralism, and the Margin of Appreciation. Lessons from the European Convention on Human Rights. Harvard Human Right Law Journal. **Other non-refereed articles, comments, reviews, etc.** 2020.

International Human Rights Law. Elgar Publishing. **Chapters in edited collections or other volumes**. 2020.

The Intellectual Origins of International Criminal Justice. Co-Edited. **Collections edited or co-edited**. 2020.

The Nature of Human Rights Obligations. Oxford University Press. **Chapters in edited collections or other volumes**. 2020.

The Security Council. Oxford University Press. **Chapters in edited collections or other volumes.** 2020.

The Oxford Handbook on International Criminal Law. Co-Edited. **Collections edited or co-edited.** 2020.

The United Nations and Human Rights: A Critical Appraisal. Co-Edited. **Collections edited or co-edited.** 2020.

The Unity of International Criminal Law: A Socio-Legal View. Oxford University Press. **Chapters in edited collections or other volumes.** 2020.

## Aaron Mills

Tamarack and Tobacco. MQUP. **Chapters in edited collections or other volumes.** 2020.

## Pierre-Emmanuel Moysé

Phénoménologie de la propriété intellectuelle et le mythe de Sisyphe, Dalloz. **Chapters in edited collections or other volumes.** 2020.

Réflexions sur les indications géographiques et les marques collectives en droit canadien. Propriétés Intellectuelles. **Peer-reviewed journal articles (print or online).** 2020

The Uneasy Case of Programmed Obsolescence. New Brunswick Law Journal. **Peer-reviewed journal articles (print or online).** 2020

## Johanne Poirier

The 2018 Pan-Canadian Securities Regulation Reference: Dualist Federalism to the Rescue of Cooperative Federalism. Supreme Court Law Review. **Other non-refereed articles, comments, reviews, etc.** 2020.

Canadian Federalism and Its Future: Actors and Institutions. McGill-Queen's University Press. **Collections edited or co-edited.** 2020.

Canadian Federalism: the Impact of Institutions on Key Political and Societal Actors. Canadian Federalism and Its Future: Actors and Institution. McGill-Queen's University Press. **Chapters in edited collections or other volumes.** 2020.

Le fédéralisme canadien : l'influence des institutions sur les acteurs clés de la vie politique et sociale. Le fédéralisme canadien et son avenir : acteurs et institutions. Presses de l'Université de Laval. **Chapters in edited collections or other volumes.** 2020.



Francophone Minorities in Canada: Trapped between the New/Old Minority Categories. Extending Protection to Migrant Populations in Europe. Routledge. **Chapters in edited collections or other volumes.** 2020.

Les relations intergouvernementales dans les systèmes fédéraux : omniprésentes, idiosyncrasiques, opaques et essentielles. Cinquante déclinaisons de fédéralisme : théorie, enjeux et études de cas. University of Quebec Press. **Chapters in edited collections or other volumes.** 2020.

## René Provost

From Violence to Life: Children Born of War and Constructions of Victimhood. New York University Journal of International Law and Politics. **Other non-refereed articles, comments, reviews, etc.** 2020.

## Nandini Ramanujam

Recalibration of the Sustainable Development Agenda: Insights from the Conflict in Yemen. McGill Journal of Sustainable Development Law. **Peer-reviewed journal articles (print or online).** 2020.

## Geneviève Saumier

Explanatory Report on the 2019 HCCH Judgements Convention. HCCH Publishing. **Book or Monograph.** 2020.

Submission as a Jurisdictional Basis and the HCCH 2019 Judgements Convention. Netherlands International LR. **Peer-reviewed journal articles (print or online).** 2020.

Uniformity and Diversity in the Enforcement of Arbitration Causes in Canada. Thémis Revista de Derecho. **Peer-reviewed journal articles (print or online).** 2020.

## Colleen Sheppard

#MeToo Canada: Towards a Culture of Equality. Full Court Press. **Chapters in edited collections or other volumes.** 2020.

## Kerry Sloan

Reference re R v Powley. CNLR Special Edition. **Other non-refereed articles, comments, reviews, etc.** 2020.

Weaving Strands of Metis Law. J. Charlton. **Chapters in edited collections or other volumes.** 2020.

## Lionel Smith

Civil and Common law. Oxford University Press. **Chapters in edited collections or other volumes.** 2020.

Conflict, Profit, Bias, Misuse of Power: Dimensions of Governance. Cambridge University Press. **Chapters in edited collections or other volumes.** 2020.

Equity is not a single thing. Oxford University Press. **Chapters in edited collections or other volumes.** 2020.

Freedom of Testation and Family Claims in Canada. Oxford University Press. **Chapters in edited collections or other volumes.** 2020.

Parenthood is a Fiduciary Relationship. University of Toronto Law Journal. **Peer-reviewed journal articles (print or online).** 2020.

## Stephen Smith

The Significance of a Civil Wrong. Oxford University Press. **Chapters in edited collections or other volumes.** 2020.

## Shauna Van Praagh

L'accès à la justice des jeunes au Québec et au Canada – grandes observations et enjeux de base. Éditions Yvon Blais. **Chapters in edited collections or other volumes.** 2020.

Au Coeur de l'accès à la justice des jeunes en protection de la jeunesse. Des acteurs discutent. Revue Service Social. **Peer-reviewed journal articles (print or online).** 2020.

Childhood Ethics: An ontological advancement for childhood studies. Children and Society. **Peer-reviewed journal articles (print or online).** 2020.

Collage sur le droit et le savoir en temps de pandémie. Lex Electronica. **Collections edited or co-edited.** 2020.

Droit et libertés: la construction sociale de la diversité. Éditions Yvon Blais. **Chapters in edited collections or other volumes.** 2020.

Religion et autorité parentale: le casse-tête de l'intérêt de l'enfant. Les Éditions Thémis. **Chapters in edited collections or other volumes.** 2020.

The Speed Bump – Changes in the Neighbourhood. Lex Electronica. **Other non-refereed articles, comments, reviews, etc.** 2020.

## Daniel Weinstock

A Harm Reduction Approach to the Ethical Management of the COVID-19 Pandemic. Public Health Ethics. *Peer-reviewed journal articles (print or online)*. 2020.

Are Immunity Licenses Just? American Journal of Bioethics. *Peer-reviewed journal articles (print or online)*. 2020.

Cities, psychosis, and social defeat. Cambridge University Press. *Chapters in edited collections or other volumes*. 2020.

Disagreement, Unenforceability, and Harm Reduction. Health Care Analysis. *Peer-reviewed journal articles (print or online)*. 2020.

Interpreting Modernity: Essays on the Work of Charles Taylor. McGill-Queens University Press *Collections edited or co-edited*. 2020.

Language Ethics. McGill-Queens University Press. *Collections edited or co-edited*. 2020.

Liberalism and Language Policy in 'Mere Number' Cases. McGill-Queens Press. *Chapters in edited collections or other volumes*. 2020.

Overcoming Toleration. University of Manchester Press. *Chapters in edited collections or other volumes*. 2020.

Should Immunity Licenses Be an Ingredient in Our Policy Response to COVID-19? University of Ottawa Press. *Chapters in edited collections or other volumes*. 2020.