ALAN HYDE

Distinguished Professor and Sidney Reitman Scholar

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(Assistant Professor 1978-1981; Associate Professor 1981-1989; Professor 1989-2009)

(Tenure awarded 1984)

(appointed Sidney Reitman Scholar 1991)

Visiting Appointments

Visiting Professor, Columbia University School of Law, 1995-96, 2018

Adjunct Professor, Brooklyn Law School, 2015

Visiting Professor, Fordham Law School, 2010

Distinguished Visiting Professor, University of Toronto Faculty of Law, 2007

Visiting Professor, Cornell Law School, 2005-07

Visiting Professor, New York University School of Law, 2001

Visiting Professor, Cardozo School of Law, Yeshiva University, 1994-95

Visiting Professor, Yale Law School, 1993-94

Visiting Associate Professor, University of Michigan Law School, 1983-84

Courses Taught:

Immigration Law; Immigration Policy; Labor Law; Employment Law (unjust discharge, privacy, ownership of ideas, postemployment restrictions, employment discrimination, regulation of pension and benefit plans, workplace democracy, worker directors, worker ownership); Global Labor Rights (transnational labor standards); Employment Discrimination; Contracts; Federal Jurisdiction; Legal Theory Seminars; Workers and their Unions; History of Labor Law Practice.

Publications:

*Books (published):*

*Working in Silicon Valley: Economic and Legal Analysis of a High-Velocity Labor Market*. Armonk, NY: M.E.Sharpe. (2003). “[A] highly original and engaging analysis of the law and economics of ‘high velocity’ labor markets...What distinguishes this book is its effort to grapple both with the economic forces that make the Silicon Valley model productive and the legal and labor market institutions that foster or impede its growth..” David H. Autor, MIT.

*Bodies of Law*. Princeton University Press. (1997) “The originality of Alan Hyde’s *Bodies of Law* is that he is trying to apply psychoanalytic, structuralist, post-structuralist and feminist theories of the embodied individual to the analysis of American law. His approach depends on the Foucauldian tenet that while bodies exist in the world, they can take up that existence only through language; who speaks of them and how they speak of them, in medical, ethical, judicial discourse; who fashions them and animates them. Hyde joins forces here with radicals and utopians who want to change language to change thought to change bodies to change persons to change human nature, though nature, of course, only has being in language. He draws richly from such literary critics as Roland Barthes and Peter Brooks, but he is a member of that rare emerging species, the male feminist, and above all, he invokes Monique Wittig and Julia Kristeva, and heats the whole by the halogen sparkle of the supernovae of the American cultural empyrean - Judith Butler, Eve Kosofsky Sedgwick, Patricia J. Williams, Catherine MacKinnon. ‘Can we conceptualise people as people in relations?’ he asks. ‘Can we create a bodily discourse of pleasure, or sexuality? Can we develop a constitutional jurisprudence of how we want to live with each other, so that rights could be secured for subjects by imagining them as other than isolated?’ These are important questions, and Hyde, in his idealistic yearning to widen the range and impact of academic philosophy, thinks hard as he reaches for answers.” Marina Warner, London Review of Books, Oct. 1, 1998, p.7.

 “Hyde's ambitious book examines the way law treats bodies in contexts as diverse as workplace injuries, drug testing, criminal rights, and alleged invasions of privacy. It is a wonderful example of critical theory applied to law. Drawing on theorists like Freud, Foucault, Lacan, Kristeva, and Judith Butler, the author shows how, when treated sensitively and imaginatively, arcane legal doctrine comes alive under the sharp light of interdisciplinary inquiry. Yet theory leery readers need not be scared away by the complexities of the theories on which Hyde draws: he is a wonderful translator. He uses critical theories to denaturalize and dereify the body. He claims, quite persuasively, that the legal treatment of the body is indeterminate in that images of body are used to justify both freedom and regulation, both sacred veneration and degrading invasions of privacy. He rejects the search for a perfect way of speaking about the body, choosing wisely to proliferate discursive representations of the body in the service of ‘human coexistence, understanding, and empowerment.’ In so doing, Hyde puts a masterful analysis in the service of a humane purpose.”

 A. D. Sarat, Amherst College, Choice, February 1998.

*Legal Rights and Interests in the Workplace: Cases and Materials on Employment and Labor Law* (with C.W. Summers and K.G. Dau-Schmidt)(2007)(Carolina Academic Press)

*Cases and Materials on Labor Law* (with C.W. Summers and H.H. Wellington) (2d ed. 1982) (Foundation Press).

*Books in Progress:*

Immigration for Americans: What Every American Should Know About Immigration. Reviews facts and data about immigration to the US for a popular audience, explains how current US immigration policy does not best serve American economy, and offers policy proposals, largely drawn from Canadian practice. Manuscript complete and under submission.

Global Labor Rights: Theory, Policy, Evidence. expanded book-length version of Stag Hunt paper below. Models transnational labor law as implicit pacts among countries to overcome collective action problems, and applies this model to standards of the International Labor Organization; domestic labor laws applied extraterritorially; labor rights enforced as human rights; labor rights provisions in domestic trade laws and negotiated trade agreements; proposals to incorporate labor rights into the World Trade Organization; transnational union action; voluntary corporate codes; other programs dealing with human trafficking, child labor, migrant workers.

*Under submission:*

Overcoming Citizenship: Six Steps Toward the Abolition of National Hierarchy

*Popular audience (selected):*

First Immigrants, then You (July 31, 2019) <https://thehill.com/opinion/immigration/454719-first-immigrants-then-you-policing-methods-are-used-on-immigrants-then>

Even Republicans Once Hated ICE, so Why Keep It? (November 15, 2018). https://thehill.com/opinion/immigration/416568-even-republicans-once-hated-ice-so-why-keep-it

How Family-Based Immigration Can Boost the Economy (February 27, 2018) https://www.marketplace.org/2018/02/27/economy/immigration-data (interview with David Brancaccio)

*Other Publications:*

Transnational Legal Responsibility for Labor Conditions: Game Theory, Legal Developments, Implications for China. for *Social Science Journal* <http://www.shkxjkbjb.cn/> , special issue on international labor standards (Professor Yu Guilan ed.)(in Chinese: **劳动条件的跨国法律责任：**

**博弈论、法律发展及对中国的启示**

Labour Law in Supply Chains. Forthcoming in *Oxford Handbook on the Law of Work* (Guy Davidov, Brian Langille, and Gillian Lester eds. Oxford University Press

What Workplace Privacy Is and Is Not. forthcoming in 43 *Comparative Labor Law and Policy Journal (*2023).

United States Report. Special comparative issue on integration of Ukrainian refugees. Forthcoming in *Italian Lab L e-Journal*.

On the Irrelevance of Citizenship in the House of Labour. in *Social Justice and the World of Work: Possible Global Futures. Essays in Honour of Francis Maupain* (Brian Langille and Anne Trebilcock eds). Oxford: Hart (2023).

US Employers Can’t be Required to Test or Vaccinate for Covid: Tough Road Ahead for Workplace Regulation. 8 *Italian Lab L e- J* 395-407 (2022).

Getting China Into the Game: Bilateral Labor Agreements in the System of Global Labor Rights. 23 *Theoretical Inquiries in Law* 207-223 (2022). SSRN ID 4589413

Legal Support for Union Democracy. 47(2) *Labor Studies Journal* 160-69 (2022). SSRN ID 4589169.pdf

Global Labor Rights and the Interstitial Role of Trade Law. in *Global Values and International Trade Law* 105-20 (Csongor István Nagy ed.)(Routledge)(2021). SSRN ID 4589140\_code48049.pdf

A Brief User's Guide to Restatement of Employment Law Chapter 8, Employee Obligations and Restrictive Covenants, 21(2) *Employee Rights and Employment Policy Journal* (2017)

Knowledge Economy, Changing Employment Relations and Intellectual Property Issues, in *Research Handbook in Intellectual Property and Employment Law* (Niklas Bruun & Marja-Leena Mansala eds. 2018). Cheltenham UK: Edward Elgar.

The Nondiscrimination Obligation of Immigration and Nationality Act Section 202(a)(1)(A), <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2932605>

Nonemployer Responsibility for Labor Conditions. *Who Is an Employee and Who is the Employer?* *Proceedings of the New York 68th Annual Conference on Labor* 409-17 (Kati L. Griffith ed.)(New York: Matthew Bender 2016)

The Crisis in the US Litigation Model of Labour Rights Enforcement. *“One Law for All”:* Weber v. Ontario Hydro *and Canadian Labour Law* 301-25 (Elizabeth Shilton and Karen Schucher eds.) (Toronto: Irwin Law 2017).

To What Duties do Global Labour Rights Correlate?: Responsibility for Labour Standards down the Production Chain. in *Global Justice and International Labor Rights* 209-236 (Yossi Dahan, Hanna Lerner & Faina Milman-Sivan eds)(Cambridge University Press 2016).

Legal Protection for Employee Mobility (with Emanuele Menegatti). in *Comparative Labor Law* 195-219 (Matthew W, Finkin & Guy Mundlak eds. 2015). Cheltenham UK: Edward Elgar.

The Law and Economics of Family Unification. 28 *Georgetown Immigration Law Journal* 355-90 (2014)

Why Don’t They Naturalize? Voices from the Dominican Community (with Ray A. Mateo and Bridgit Cusato-Rosa), 11(3) *Latino Studies* 313-340 (2013).

What Should the Proposed Restatement of Employment Law Say About Remedies? 16(2) *Employee Rights and Employment Policy Journal* 497-509 (2012).

Intellectual Property Justifications for Restricting Employee Mobility: A Critical Appraisal in Light of the Economic Evidence. *Research Handbook on the Economics of Labor and Employment Law* 357-384 (Cynthia L. Estlund & Michael L. Wachter eds. 2012). Cheltenham UK: Edward Elgar.

Legal Responsibility for Labour Conditions Down the Production Chain. *Regulating Work: Challenging Legal Boundaries* (Judy Fudge, Shae McCrystal, & Kamala Sankaran eds)(Oxford: Hart 2011).

Should Noncompetes Be Enforced? 33(4) *Regulation* 6-11 (Winter 2010-2011)

The Idea of the Idea of Labour Law: a Parable. in *The Idea of Labour Law* 88-97 (Guy Davidov and Brian Langille eds) Oxford: Oxford University Press 2011).

Labor Arbitration of Discrimination Claims after *14 Penn Plaza v. Pyett*: Letting Discrimination Defendants Decide Whether Plaintiff May Sue Them. 25 *Ohio State Journal on Dispute Resolution* 975-1022 (2010).

Exclusion is Forever: How Keeping Labour Rights Separate from Constitutional Rights has Proven to be a Bad Deal for American Trade Unions and Constitutional Law. 15(2) *Canadian Labour &Employment Law Journal* 251-269 (2009-10).

Unions Without Borders: Recent Developments in the Theory, Practice, and Law of Transnational Unionism (with Mona Ressaissi), 14(3) *Canadian Labour & Employment Law Journal* 271-326(2008).

On Purposeless Restatement, 13(1) *Employee Rights & Employment Policy Journal* 87-92 (2009).

The International Labour Organization in the Stag Hunt for Global Labour Rights. 3(2) *Law & Ethics of Human Rights* 154-79 (2009).

Economic Analysis of Labor and Employment Law in the New Economy: Proceedings of the 2008 Annual Meeting, Association of American Law Schools, Section on Law and Economics. 12(2) *Employee Rights & Employment Policy Journal* 327-38 (2008).

Torture as a Problem in Ordinary Legal Interpretation. in *Bausteine zu einer Ethik des Strafens : Philosophische, juristische und literaturwissenschaftliche Perspektiven* *(Foundations of an Ethics of Punishment: Philosophic, Legal, and Literary Perspectives)* 135-164 (Hans-Helmuth Gander, Monika Fludernik, & Hans-Jörg Albrecht eds.)(Würzburg: Ergon-Verlag, 2008). available at http://papers.ssrn.com/abstract=948297

A Stag Hunt Account and Defense of Transnational Labour Standards–A Preliminary Look at the Problem. in *Globalization and the Future of Labour Law* 143-66 (John D.R. Craig & S. Michael Lynk eds.)(Cambridge University Press, 2006). Later version available at <http://law.bepress.com/rutgersnewarklwps/fp/art11> http://ssrn.com/abstract=896362

What is Labour Law? in *Boundaries and Frontiers of Labour Law: Goals and Means in the Regulation of Work* (Guy Davidov & Brian Langille eds.)(Oxford: Hart Publishing, 2006. Available at .http://ssrn.com/abstract=896381

New Institutions for Worker Representation in the United States: Theoretical Issues. 50 New York Law School Law Review 385-415 (2006).

Employment Discrimination in a High-Velocity Labor Market: how a meritocracy creates disparate labor market outcomes through demands for skills at hiring, hiring through networks, and rewards to entrepreneurship. in *Behavioral Science Implications for Employment Discrimination Law: Essays in Memory of David Charny* (G. Mitu Gulati & Michael Yelnosky eds.)(Kluwer). Available at <http://law.bepress.com/rutgersnewarklwps/fp/art13>

*Pepsico Inc. v. Redmond:* How the Doctrine of the Inevitable Disclosure of the Trade Secrets of Marketing Sports Beverages Was Brewed. in *Employment Law Stories* (Gillian Lester & Samuel Estreicher eds. 2006)(Foundation Press).

*First National Maintenance Corp. v.* *National Labor Relations Board*: Eliminating Bargaining for Low-Wage Service Workers. in *Labor Law Stories* 281-314 (Laura Cooper & Catherine Fisk eds 2005.)(Foundation Press).

Who Speaks for the Working Poor?: A Preliminary Look at the Emerging Tetralogy of Representation of Low-Wage Service Workers, 13 *Cornell Journal of Law and Public Policy* 599-614 (#3, Summer 2004). Japanese translation in *Rodo Horitsu Junpo* (September 2004). Available at http://law.bepress.com/rutgersnewarklwps/fp/art12

Konstruktionen des Körpers im Recht der Vereinigten Staaten: Ihre Grammatik und Ihre Bedeutungen. In *Körper und Recht: Anthropologische Dimensionen der Rechtsphilosophie* 325-38 (Ludger Schwarte & Christolph Wulf eds)(Munich: Wilhelm Fink Verlag)(2003).

Employee Organization in Silicon Valley: Networks, Ethnic Organization, and New Unions. 4 University of Pennsylvania Journal of Labor and Employment Law 493-527 (2002).

A Closer Look at the Emerging Employment Law of Silicon Valley’s High-Velocity Labour Market. in J Conaghan, R M Fischl & K Klare (eds) *Labour Law in an Era of Globalisation* (Oxford Univ Press, 2001).

Classification of U.S Working People and Its Impact on Workers’ Protection (107 pp). Report submitted to International Labour Organization(2000). http://www.ilo.org/public/english/dialogue/ifpdial/downloads/wpnr/usa.pdf

What Do‘Equal Opportunity’ and ‘Loyalty’ Mean if Internal Labor Markets Die? The

Emerging Law of Silicon Valley’s High-Velocity Labor Market. 52 Proceedings of the New York University Conference on Labor 467-491 (2000).

Silicon Valley's High Velocity Labor Market: When Labor Markets Work Like Information Markets, 11 J. Appl. Corp. Fin., 28-37 (No. 2, Summer 1998).

Silicon Valley’s Efficient Abolition of Trade Secrets, in *Corporate Governance Today* (Sloan Project on Corporate Governance, Columbia Law School, 1998).

Employment Law After the Death of Employment. 1 U.Pa.J.Lab. & Emp. L. 99-115 (1998).

Employee Organization in High-Velocity Labor Markets, 50 Proc. NYU Conf. on Labor 209-233

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Employee Identity Caucuses in Silicon Valley: Can They Transcend the Boundaries of the Firm? 48 Labor Law Journal, August 1997, pp 491-97.

Labor Law as Political Symbol: A Critical Model of Labor Legislation. in Reflexive

 Labour Law 173-81 (Ralf Rogowski & Ton Wilthagen eds.) Deventer,

 Netherlands: Kluwer (1994).

Employee Caucus: A Key Institution in the Emerging System of Employment Law. 69

Chicago-Kent Law Review 149 (1993). Published as a chapter in The Legal Future of Employee Representation (Matthew W. Finkin ed.), ILR Press, School of Industrial-and Labor Relations, Cornell University, 146-190 (1994).

After Smyrna: Rights and Powers of Unions that Represent Less than a Majority (with

 Frank Sheed and Mary Deery Uva), 45 Rutgers Law Review 637 (1993).

Ownership, Contract and Politics in the Protection of Employees Against Risk. 43

University of Toronto Law Journal 721 (1993). Italian translation: Proprietà, Contratto e Strategie nella Protezione dei Lavoratori contro i Rischi, 17 Giornale di Diritto del Lavoro e di Relazioni Industriali 369-402 (1995).

In Defense of Employee Ownership, 67 Chi.-Kent Law Review 159 (1991).

A Theory of Labor Legislation, 38 Buffalo Law Review 383 (1990).

Clyde Summers and the Ideal of the Activist Scholar, 138 University of Pennsylvania Law

Review 627 (1990).

Employee Takeovers (with Craig Harnett Livingston), 41 Rutgers Law Review 1131

 (1989).

Rights for Canadian Members of International Unions Under the (U.S.) Labor-

 Management Reporting and Disclosure Act, 61 Washington Law Review 1007

 (1986).

Democracy in Collective Bargaining, 93 Yale Law Journal 793 (1984).

Can Judges Identify Fair Bargaining Procedures?: A Comment on Freed, Polsby & Spitzer, Unions, Fairness and the Conundrums of Collective Choice, 57 Southern California Law Review 415 (1984).

The Concept of Legitimation in the Sociology of Law, 1983 Wisconsin Law Review 379.

Beyond Collective Bargaining: The Politicization of Labor Relations Under Government

Contract, 1982 Wisconsin Law Review 1.

Economic Labor Law vs. Political Labor Relations: Dilemmas for Liberal Legalism, 60

Texas Law Review 1 (1981).

Book Review (of Paul Weiler, Governing the Workplace, The Future of Labor and

Employment Law), 91 Columbia Law Review 456 (1991).

Book Review (of James B. Atleson, Values and Assumptions in American Labor Law ),

9 Contemporary Crises 183-193 (1985).

Book Review (of Bruce A. Ackerman, Social Justice in the Liberal State), 57 New York University Law Review 1031 (1982).

Book Review (of Judith A. Baer, The Chains of Protection: The Judicial Response to

 Women's Labor Legislation), 5 Women's Rights Law Reporter 301 (1979).

Employee Ownership: Legal Payoffs and Pitfalls, 3 Journal of Employee Ownership Law

 and Finance 75 (1991).

Unpublished papers available on my website, <http://andromeda.rutgers.edu/~hyde/>.

The Wealth of Shared Information: Silicon Valley's High-Velocity Labor Market,

 Endogenous Economic Growth, and the Law of Trade Secrets

 Our Homosocial Constitution: Sexuality and Visualization in the Early Republic

What Do ‘Loyalty’ and ‘Equality’ Mean When Internal Labor Markets Die?: The Emerging Employment Law of Silicon Valley

 Employee Organization in High Velocity Labor Markets

 Employee Identity Caucuses in Silicon Valley

 Notes on Human Capital

Employment Contracts Implied in Fact

Self-Employment in the United States

Employment Law After the Death of Employment

*Major Academic Presentations*

A Labor Law of Families: what immigration economics can teach labor law and economics about labor networks, business formation, complementary labor, and unpaid intrafamily labor.

Labour Law Research Network, Valparaiso, Chile, 25 June 2019

Globalization and Labor Law. Beijing University Law School. March 9, 2018

Responsibility for Labor Conditions Down the Production Chain, Center for Global Work and Employment, Renmin University, Beijing China, March 7, 2018; Hitotsubashi University Graduate School of International Corporate Strategy, Tokyo Japan, March 15, 2018.

The Most Important Labor Right. Labour Law Research Network, Toronto, Canada. June 26, 2017.

Nonemployer Liability for Labor Conditions. Labor Law Group, UCLA, Los Angeles CA, 7-10 December 2016. Published in *Who Is an Employee and Who is the Employer?* Proceedings of the NYU 68th Annual Conference on Labor (Kate Griffith ed. 2016)

A Brief User's Guide to Restatement of Employment Law Chapter 8, Employee Obligations and Restrictive Covenants. Labor Law Group, Indiana University, Bloomington IN, 17-19 November 2016. Final version to appear in 21(2) Employee Rights and Employment Policy Journal (2017)

Nine Lessons from Rana Plaza. Labour Law Research Network, June 27, 2015, Amsterdam.

Why New Jersey Should Enforce Fewer Noncompetes. New Jersey Judicial College, Teaneck NJ, December 27, 2013.

Comparative Perspectives on Ensuring Employee Mobility. With Emanuele Menegatti. Labour Law Research Network, Barcelona, June 14-15, 2013.

Toward a North American Free Labor Market. Immigration Law Teachers Workshop, 1-2 June 2012. Fordham International Law Review Symposium, February 15, 2013.

Citizens of the World? Seminario Interdottorale, University of Bologna, 12 June 2012

The Law and Economics of Family Unification, or, A Visa for Abuela. Immigration Law Teachers Workshop, 1-2 June 2012

To What Duties do Global Labor Rights Correlate?: Responsibility for Labor Standards down the Production Chain. Given at the conference International Labor Law and Global Justice, Haifa University, 3-6 January 2012. Published in *Global Justice and International Labor Rights* (Yossi Dahan & Faina Milman-Sivan eds). Cambridge University Press

Why Noncompetes Should Not be Enforced. Queen’s University School of Law, Kingston, Ontario, Canada, October 31, 2011. American Bar Foundation / Labor Law Group, November 19, 2011.

Why Don’t They Naturalize? Voices from the Dominican Community (with Ray A. Mateo and Bridgit Cusato-Rosa). Immigration Law Teachers Workshop, DePaul University, Chicago, May 24-26, 2010.

Law and Economics of Employee Mobility. Workshop, Communication of Technical Knowledge, Boston University School of Law, June 17-18, 2010.

Responsibility for Labor Conditions. Conference: Blurring the Boundaries: The Commercialization and Informalization of Work. International Institute for the Sociology of Law, Onati, Spain. July 1-2, 2010.

The Idea of the Idea of Labour Law: A Parable. Conference, The Idea of Labour Law. St. Catharine’s College, Cambridge University, April 7-9, 2010. in conference volume, Oxford University Press.

L’Autonomia del Corpo [in Italian]. Congreso, Primavera dei Diritti, Bari, Italy, February 26, 2010. To be published on conference proceedings.

 Why Labor Rights are Different from Human Rights. Workshop, Columbia Law School, February 21, 2009.

On Purposeless Restatement. The Labor Law Group, UC Hastings School of Law, February 7, 2009. published in *Employee Rights & Employment Policy Journal*.

The ILO in the Stag Hunt for Labor Rights. International Researchers’ Workshop, Globalization and Labor Rights. Faculty of Law, Ramat-Gan University. January 2-5, 2008. forthcoming in *Law and Ethics of Human Rights*.

Economics of Increasing Returns: Implications for Legal Scholars. Section on Law and Economics, Association of American Law Schools, January 5, 2008.

On the Micromechanisms of State Compliance with International Agreements without Sanctions: A Labor Rights Scholar Looks at World Polity Models of Human Rights. Colloquium, Human Rights and Sociological Institutionalism. Harvard Law School Human Rights Program, June 15-16, 2007. University of Haifa Law Faculty Colloquium, December 27, 2007.

Models of Transnational Union Cooperation; Paths Towards Transnational Labour Standards. Tables rondes sur la gouvernance globale du travail, Travail et mondialisation: Vers un nouveau dialogue social et une nouvelle architecture institutionelle. Project Gouvernance globale du travail, Institut d’études internationelles de Montréal, Université du Québec à Montréal, 29-30 March 2007.

“What is Labor Law?” Conference, The Scope of Labour Law: Redrawing the Boundaries of Protection.” Rockefeller Foundation, Bellagio, Italy. May 23-26, 2005. forthcoming in conference volume (Guy Davidov and Brian Langille eds). Faculty colloquium, University of Haifa Law Faculty, December 21, 2005. Seminar, Workplace Theory and Policy, Yale Law School, February 13, 2006.

“Knowledge Diffusion through Employee Mobility: Do We Know Enough to Make Policy on Covenants Not to Compete?” Technology and Operations Management (TOM) Seminar, Harvard Business School. February 24, 2005. Conference, IP@Work, Radzyner School of Law, Herzliya, Israel, December 28-29, 2005.

“The Language of Torture.” Law and Literature Colloquium, Law, Norm, and Criminalization: Discursive and Legal Attributions of Non-Normative Behavior. Max Planck Institute for Foreign and International Criminal Law, Albert Ludwigs University, Freiburg, Germany. February 11, 2005.

http://www.iuscrim.mpg.de/forsch/krim/albrecht\_dfg\_intro\_e.html

“Labor Representation: It’s Not Just for Unions Any More. Nonunion Worker Advocacy Organizations in New York City.” Next Wave Organizing Conference. New York Law School. January 27-28, 2005.

“A Game-Theoretic Account and Defense of Transnational Labor Standards.” International Labour Law Conference, Meeting the Challenges of Globalization, University of Western Ontario, London, Ontario, Canada, October 18, 2003; International Network on Transformative Employment and Labor Law (INTELL 7), Kyoto, Japan, March 26-29, 2004; Symposium, Comparative Visions of Global Public Order, Harvard Law School. March 5-6, 2005. Faculty Colloquium, Cornell Law School, October 5, 2005. Faculty Colloquia, University of Tel Aviv Law Faculty, January 2, 2006; Hebrew University Law Faculty, Jerusalem, January 4, 2006; University of Connecticut School of Law, February 12, 2007.

“The Emerging Tetralogy of Representation of Low-Wage Service Workers in the U.S.” Conference, Change at Work, Cornell University School of Law, October 25, 2003; Lecture, Center for Transnational Labor Studies, Tokyo University, March 18, 2004.

“Disparate Labor Market Outcomes in Silicon Valley.” Conference, Behavioral Science Implications for Employment Discrimination Law. NYU School of Law, April 19, 2002.

“The New Economics of High-Velocity Labor Markets.” Conference, New Employment Relationships and the Digital Divide: Challenges for Labour Ministries in the 21st Century,” XII Inter-American Conference of Ministers of Labour, Montréal, Canada, October 2, 2002; Also given at Boalt Hall School of Law, University of California, Berkeley, October 17, 2002.

“Bodies and Persons in American Law.” Conference, Körper und Recht: Anthropologische Dimensionen der Rechtsphilosophie [Body and Law: Anthropological Dimensions in the Philosophy of Law]. Graduiertenkolleg Körper-Inszenierungen, Freie Universität Berlin, Nov. 1-4, 2001. Published in conference volume.

“Law and Economics and Reflexive Labour Law Compared: Regulation of Trade Secrets.” Conference, Reflexive Labour Law: The Next Step, Hugo Sinzheimer Institute, University of Amsterdam. December 13-13, 2001. Papers to be published by Kluwer.

“Employee Organization and Employment Law in the Changing US Labor Market.” Conference, Reconfiguring Work and Welfare for the 21st Century: A Transatlantic Dialog. European Union Center, University of Wisconsin, Madison, WI, May 10-12, 2001.

“Endogenous Employee Subrationality: Neglected Institutional Dimensions of the New Behavioral Law and Economics.” Research Conference, Behavioral Law and Economics in the Workplace, New York University School of Law, April 10, 2001.

“New Forms of Labor Organization in High Technology.” Conference, The Role of Unions in the 21st Century. University of Pennsylvania Journal of Labor and Employment Law, University of Pennsylvania Law School, January 26, 2001. To be published in the Journal.

“The Economics of Restricting Freedom of Contract defining Trade Secrets.” Conference, Contracts with Highly Skilled Workers. John M. Olin Law & Economics Program, Georgetown University Law Center, November 3-4, 2000.

“The Transformation of Work, the Governance of Employment Relations, and Social Protection in Europe.” Panel on Alain Supiot, *Au delà de l’emploi*. Conference, Work and Social Citizenship in a Global Economy. Global Studies Program, University of Wisconsin, Madison, WI, November 10-11, 2000.

“Does Law Construct Identities?” Plenary, Law and Society Association, Fourteenth Annual

 Graduate Student Workshop, Chicago, May 25-26, 1999.

“What Do ‘Loyalty’ and ‘Equal Opportunity’ Mean When Internal Labor Markets Die? The

 Emerging Employment Law of Silicon Valley.” International Network on Tranformative

 Employment and Labor Law, 4th Meeting, Cape Town, South Africa, March 18-21, 1999;

 52nd NYU Conference on Labor, New York, May 20, 1999. Published in conference

 proceedings.

“Our Homosocial Constitution: Sexuality and Visualization in the Early Republic.” Workshop, Masculinity and the Male Body, European University Institute, Florence, Italy, April 10, 2000; Conference on Law, Culture, and the Humanities, Wake Forest University, Winston-Salem, N.C., March 12-14, 1999; UCLA School of Law, Faculty Colloquium, October 20, 1999.

“Advances in the Economic Analysis of High-Velocity Labor Markets,” Institute of Industrial Relations, UCLA, October 21, 1999.

“Rivals to Collective Bargaining,” Association of American Law Schools, January 7, 1999, New Orleans, LA.

“Law as Discourse: The Construction of the Body in Legal Texts”. Working Group on Law, Culture & the Humanities. Georgetown University, Washington, DC. March 27-29, 1998.

“Sandwichman; or, The Political Economy of Bodily Display.” Faculty Colloquium. Department of German. Princeton University, Princeton, NJ. February 10, 1998.

“Trade Secrets in High Tech Startups,” Section on Business Associations, Association of American Law Schools, San Francisco, CA, January 8, 1998.

“Employee Organization in High Velocity Labor Markets,” NYU 50th Annual Conference on Labor, New York University, May 29, 1997. Published in conference proceedings.

“Employee Caucuses: Can They Transcend the Boundaries of the Firm?” Industrial Relations Research Association, Spring Meetings, New York, NY, April 19, 1997.

"How Silicon Valley Abolished Trade Secrets (and why this is efficient)," Conference, Egalitarian Uses of Law and Economics, Harvard Law School, October 19, 1996; Preconference, Make or Buy: The Boundaries of the Firm, Columbia University, February 7, 1997; Corporate Governance Today conference, Columbia Law School, May 21, 1998.

"The Privacy that Kills.” Joint Meetings, Law and Society Association and Research

Committee on the Sociology of Law of the International Sociological Association, Glasgow, Scotland, July 12, 1996.

"Work Without Jobs in Silicon Valley: Some Implications of the Rise of Short-Term

 Labour Markets." Transformative Labour and Employment Law Conference, University of Kent, Canterbury England, July 6-8, 1996.

"Innovations in Teaching," Section on Labor Law, Association of American Law Schools, January 6, 1996.

"Alternatives to Union Representation," Labor Law Group, December 8, 1995.

"Employee Representation Without Unions," Rutgers Labor Studies Center, April 18, 1994.

"Law's Body," Department of Comparative Literature, Yale University, May 4, 1994.

"Caucus Representation of Employees," Faculty of Private and Procedural Law,

 University of Florence, Florence, Italy, March 31, 1994.

"Law's Body." Yale Law School Faculty Workshop, March 7, 1994.

"Pollution in the Body Politic: Urinalysis and Body Boundaries," New York University School of Law, January 20, 1994.

"Ownership of Ideas at Work: An Agency-Theoretic Approach," Cardozo School of Law, Yeshiva University, February 17, 1994.

Stoffer Lecture, "Constructing the Autonomous Body: Privacy, Property, Inviolability," Rutgers Law School, November 4, 1993.

"Theories of Body Autonomy," Faculty Workshop, University of Toronto Faculty of Law, October 29, 1993; University of Connecticut School of Law, November 22, 1993.

"Consumption Politics" (comments on papers), The Politics of Consumption, Rutgers

 Center for Historical Analysis, New Brunswick, April 16, 1993.

"Employee Ownership in Economic Theory," Society for the Advancement of Socio­

 Economics, New School for Social Research, New York, March 28, 1993.

"Bodies in the Eyes of the Law, " Rutgers Center for Historical Analysis. Faculty

 Fellowship, 1992-93. February 2, 1993.

"Ownership as Protection for Employee Stakeholders." The Corporate Stakeholder

 Debate: The Classical Theory and Its Critics. University of Toronto, April 24-25, 1992. Published in the University of Toronto Law Journal.

"Risk Distribution and Employee Ownership." Efficiency and Ownership: The Future of the Corporation. University of California Program on Economy, Justice, and Society. San Francisco, California. May 14-17, 1992.

"A Comparison of Labor Law as Cultural Symbol." Joint meetings of the Law and

 Society Association and the Research committee on Sociology of Law of the European Sociological Association, Amsterdam, The Netherlands, June 26-29, 1991. Published in Reflexive Labour Law (Ralf Ragowski & Ton Wilthagen eds.) (Amsterdam Kluwer 1994).

Kenneth M. Piper Memorial Lecture: "In Defense of Employee Ownership." IIT Chicago-Kent College of Law, March 19, 1991. Published in 67 Chi-Kent L. Rev. 159 (1991).

Harris Lecture: "Understanding Law's Symbolic Meaning: The Anthropologist's Concept and its Importance for Scholars of Law." Faculty Colloquium, Indiana University School of Law, Bloomington, Indiana, April 9, 1986.

"Labor Movements and Labor Law: A Comparative Perspective." Interdisciplinary Legal

 Studies Colloquium, University of Wisconsin, Madison, Wisconsin, March 19, 1984.

"New Approaches to Teaching Old Topics.," Section on Labor Law, Association of

 American Law Schools, Cincinnati, Ohio, January 6-8, 1983.

"Labor Law as Symbolic Communication: A Preliminary Inquiry from a Comparative

Perspective." Law and Society Association, Annual Meeting, Toronto, Canada, June 3-6, 1982.

"The Concept of Legitimation in the Sociology of Law." Law and Society Association, Annual Meeting, Amherst, Massachusetts, June 1981.

"The Radical Critique of American Contract Law. "Presentation to the Conference on

Critical Legal Studies, 4th National Convention, State University of New York School of Law, Buffalo, New York, May 30 - June 1, 1980.

Conference on Protection Against Unjust Discharge, Michigan State University,

 September 28-30,1980. Chaired panel on foreign experience.

"The Comparative Labor Law Problem." Presentation to the Conference: Critical

Perspectives on the Law, March 24, 1979, Yale Law School, New Haven, Connecticut.

**Litigation**:

Trump v. International Refugee Assistance Project. United States Supreme Court, No. 16-1436. Brief amicus curiae for Immigration Law Scholars (co-written).

National Labor Relations Board v. Town & Country Electric Co., United States Supreme Court, No 94-947. Brief amicus curiae for the American Civil Liberties Union.

Finnegan v. Leu, United States Supreme Court, No. 80-2150. Brief amicus curiae for the Association for Union Democracy (with Paul Alan Levy).

Harrington v. Chao. United States Court of Appeals, First Circuit, No. 1-1577; 04-1144. Brief and oral argument amicus curiae for the Association for Union Democracy. United States District Court, District of Massachusetts. Civil Action No. 00-CV-11028-RGS. Brief and oral argument amicus curiae for the Association for Union Democracy.

Arias v. Mutual Central Alarm Service Co., United States Court of Appeals, Second Circuit, No. 99-7240. Brief amicus curiae for the American Civil Liberties Union Task Force on Civil Liberties in the Workplace.

Members for a Better Union v. Bevona. United States Court of Appeals, Second Circuit, No. 97-9591. Brief amicus curiae for the Association for Union Democracy.

Ellis v. Chao. United States Court of Appeals, Second Circuit, No. 04-4924. Brief amicus curiae for the Association for Union Democracy.

McCuiston v. Hoffa. United States Court of Appeals, Sixth Circuit. Brief and oral argument for appellants.

Gilliam v. Independent Steel Workers, United States District Court, Northern District of West Virginia, Civ. No. 83-0123-W. Wrote brief amicus curiae for the Association for Union Democracy.

Dzwonar v. Local 54, Hotel and Restaurant Employees. New Jersey Supreme Court, No. 52,677. Brief amicus curiae for the Association for Union Democracy.

*Other Professional Activities***:**

Member, American Law Institute. Consultant, Restatement of Employment Law.

Board of Directors and Legal Committee, Association for Union Democracy.

Member, Labor Law Group

*Prior Employment*:

Research Instructor in Law, New York University School of Law, 1976-78.

Attorney, National Labor Relations Board, Office of the General Counsel, Division of Enforcement Litigation, Washington, D.C., 1975-1976.

Member (inactive), California Bar (admitted 1975).

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