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Dear friends and colleagues,

Welcome to the September-October 2025 issue of the electronic journal of [the Berkeley Center on Comparative Equality & Anti-Discrimination Law](#).

The journal is intended to inform our members about interesting new papers in our field (broadly understood, including interdisciplinary approaches) by distributing abstracts and links to the papers.

The journal originated in January 2020, when we began distributing abstracts and links to newly published papers ourselves, instead of engaging the Social Science Research Network to distribute them for us. This allowed us to expand the scope of the scholarly material we publicize and provide a more interesting journal. Currently, the journal is produced bimonthly at Berkeley Law, with co-editors rotating for each issue, with the support of our editorial assistant, Shannon Farrell. A wide diversity of jurisdictions and languages are covered. We are also wanting to cover as many different topics as possible within one issue, while keeping the journal to a reasonable length.

This journal brings BCCE together as a community, so we are keen to highlight which articles have been written by BCCE members. For this reason, in this issue, **articles from BCCE members are identified with the symbol [✱] on the left-hand side**. It takes time to verify which articles have been written by BCCE members, so we encourage you to **flag your new publications to us**. If you have ***a new paper in the field of comparative equality and anti-discrimination law***, please send an email to Furaha-joy Sekai Saungweme (saungwemenyoni@gmail.com) and Eliana Zatschler (eliana@zatschler.com) including as much information as possible (i.e. full bibliographic reference, the link and the abstract).

Since February 2022, we also signpost **[Case law developments]** and **[Legislative developments]**. If you are aware of important developments in your jurisdictions, please let us know by sending an email to Furaha-joy Sekai Saungweme (saungwemenyoni@gmail.com) and Eliana Zatschler (eliana@zatschler.com).

Finally, the Berkeley Center on Comparative Equality & Anti-Discrimination Law website includes a ***Recent Books*** section that showcases books by our members and others in our field. If you have a new book in the field, please contact David Oppenheimer (doppenheimer@law.berkeley.edu) and we will list it on the website.

You are welcome to share this journal to anyone you believe would find it interesting.

Thank you for your ongoing support and enjoy reading,

Editors in Chief

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Mahmut Akarsu, Indira Boutier, Vito Breda, Sara Vancleef, Phillippa McCarron, Justin Winchester

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Foreword

Dear Colleagues,

This edition of the BCCE E-Journal arrives at a moment of both reflection and resolve. Across continents and institutions, the pursuit of equality under law continues to confront entrenched barriers, shifting political landscapes, and emerging forms of discrimination. Yet, as the contributions in this volume demonstrate, the global equality movement is not only enduring— it is evolving.

The essays and reports featured here reflect a rich tapestry of legal scholarship, policy innovation, and activist insight. From the European Commission's Roadmap for Women's Rights to the Gender-Responsive Assemblies Toolkit developed by the International Gender Champions, we see a shared commitment to transforming principles into practice. Commissioner Lahbib's speeches, delivered with clarity and conviction, remind us that rights must be lived — not just legislated. Her call to ensure safety, dignity, and equal opportunity for every woman and girl in Europe resonates far beyond the continent, echoing the global imperative to defend hard-won gains and push forward.

Equally vital is the work of the International Gender Champions, whose Toolkit provides actionable strategies for embedding gender parity in multilateral decision-making. From anti-harassment policies to inclusive governance structures, the Toolkit offers a blueprint for transforming assemblies into engines of equity. It aligns with the principles laid out in CEDAW's General Recommendation 40, which sets 50/50 gender parity as a baseline and calls for structural transformation across all spheres of influence.

These documents and reflections converge on a central truth: equality is not a static goal but a dynamic process. It requires vigilance, creativity, and collaboration. It demands that we interrogate not only laws and policies, but also the cultural norms and institutional habits that shape their implementation.

As co-editors, we are proud to present this collection as a testament to the power of comparative equality law to illuminate injustice and inspire change. The voices within these pages —legal scholars, policymakers, activists— are diverse in origin but united in purpose. They challenge us to think critically, act boldly, and imagine a future where equality is not aspirational, but actual.

We invite readers to engage deeply with the ideas presented here, to carry them into classrooms, courtrooms, and communities. Let this journal be both a mirror and a map: reflecting where we are, and guiding where we must go.

Equally yours,

Eliana Zatschler and Furaha-Joy Sekai Saungweme

Co-editors in Chief



Discrimination Law Theory

Baldini, Davide. [“Article 22 GDPR and Prohibition of Discrimination. An Outdated Provision?”](#) *Social Sciences Research Network* (2025): 1-5.

This contribution examines whether Article 22 of the General Data Protection Regulation (GDPR) effectively addresses the risk of discrimination arising from automated decision-making and profiling. While the provision prohibits decisions based solely on automated processing that produce legal or similarly significant effects, and establishes additional safeguards when "special categories" of personal data are involved, its literal interpretation may fail to prevent algorithmic discrimination. The paper argues that the protection offered by Article 22(4) GDPR is insufficient when machine learning models generate proxy variables that correlate indirectly with sensitive data, thereby producing discriminatory outcomes even in the absence of explicitly protected categories. It advocates for a rights-based and teleological interpretation of Article 22(4), one that encompasses both direct and indirect inferences about protected attributes. Such an approach better aligns with the fundamental rights framework of the GDPR and the case law of the Court of Justice of the European Union, strengthening the provision's capacity to safeguard individuals against algorithmic discrimination.

Law & Society, Politics, Sociology

Ahmed, Tawhida and Nuno Ferreira. [“European Union Approaches to Europe's Romani People: The Potential of a Capabilities Approach to Law and Policy Making.”](#) *Social Sciences Research Network* (2025): 1-32.

This chapter critiques the European Union's efforts to support Romani people in overcoming the disadvantaged positions they hold in EU Member States (MS). It reviews current EU measures and developments and argues that these have produced limited results for the improvement of the lives of Romani people in Europe. The chapter argues that the EU should revise its approach for potentially more effective impacts, by gearing its efforts towards empowering Romani people to take up the opportunities that the EU and its MS offer in a manner which allows them to lead lives of their choosing. To this end, this chapter adopts Sen's capabilities approach as a way forward, which suggests that people need to have the freedom (capability) to choose a variety of lifestyles, and thus require empowerment to make choices and implement these in their lives.

The capabilities approach goes beyond having access to goods and services and requires authorities to create the conditions to empower citizens to make effective use of those goods and services. This chapter elaborates on Sen's capabilities theory and assesses whether the EU supports it, and how it might (further) do so in the future. It concludes that to enhance the capabilities of Romani people in the EU, the EU institutions should adopt a multipronged strategy based on: greater use of Article 7 TEU and infringement procedures; the introduction of a hard law, Romani-specific measure; and the creation of a Roma Truth and Reconciliation Commission.

Baute, Sharon, Luna Bellani, and Katharina Hecht. [“Deservingness of the Rich, Wealth Taxation, and the Paradox of Inheritance.”](#) *IZA Discussion Paper* no. 18043 (2025): 1-28.



Wealth is increasingly unequally distributed in many countries. This study examines public perceptions of wealth deservingness and preferences for taxing the wealth of the rich, focusing on how opinions vary based on the amount, use, and origin of wealth. Drawing on an original vignette experiment conducted in Germany (n=6,018), our results show a consistent pattern: as wealth increases, its perceived deservingness declines, while support for taxation rises. Similarly, spending on luxury items is seen as less deserving than philanthropic or nonprofit investments, leading to greater support for taxing the wealth of luxury spending by rich people. However, wealth obtained through inheritance presents a puzzling exception: although it is perceived as the least deserving compared to wealth gained through entrepreneurship or management, this does not translate into a stronger preference for taxing inheritors over managers. These findings, which hold across different income and wealth groups as well as political affiliations, highlight the complex and sometimes contradictory public attitudes toward the rich and the taxation of their wealth.

Bernardo, Giovanni, Steven N. Durlauf, Andros Kourtellos, and Ming Chih. ["Model Uncertainty and Measures of Inequality of Opportunity."](#) *The University of Chicago Stone Center Working Paper* 25, no. 17 (2025).

Inequality of opportunity has great normative importance. This has led to a literature on measuring the part of overall inequality that is due to circumstances outside of a person's control. We contribute to such studies by evaluating the implications of uncertainty about circumstance variables and linear versus nonlinear transmission of circumstances on inequality of opportunity estimates. Applying linear Bayesian model averaging methods and three ensemble tree-based machine learning approaches to data from 31 European Union countries, we find that ignoring model uncertainty can lead to substantial overstatement of levels of inequality of opportunity.

Crawford, Bridget J. ["Gender and Tax Scholarship as Critical Method."](#) *Pittsburgh Tax Review* (2025): 1-24.

This Essay introduces the Pittsburgh Tax Review's issue featuring scholarship from the American Tax Policy Institute's October, 2024 symposium, "It's a Man's World: Revealing and Addressing Hidden Gender Bias in Tax Law and Policy." In reading the symposium papers together, this Essay advances a central claim: gender-aware tax analysis is not merely a topic but a method. Part I situates contemporary work within five decades of scholarship, tracing a shift from identifying overt statutory bias to interrogating how ostensibly neutral rules produce gendered and racialized outcomes.

Part II maps the symposium's six panels that deployed diverse methods—doctrinal excavation, empirical measurement, comparative and constitutional analysis, and intersectional critique—to examine marriage and filing status, the production of legislative "evidence," care work and refundable credits, retirement and wealth-building, employment incentives and incarceration's collateral tax harms, and the tension between formal neutrality and measured effects. Part III looks forward, outlining research agendas on intersectional race-gender questions; immigrants and the tax state; transgender and nonbinary taxpayers; queer families; wealth transfers and trusts; capital gains and gendered asset patterns; entrepreneurship; exempt organizations; reproductive justice; and digital and algorithmic taxation.



Across these contributions, the Essay identifies a common move in gender and tax scholarship to test neutrality empirically, read design choices against distributional facts, and center lived experience in policy architecture. The collective result is work that takes the form of both diagnosis and blueprint, offering tools for exposing hidden hierarchies in tax and for building systems that more accurately recognize work, caregiving, and diverse household forms.

Eaglin, Jessica. ["Opening The Black Box."](#) *Washington University Journal of Law & Policy* 78, no. 93 (2025): 1-22.

In response to the tenth anniversary of the Ferguson uprisings, this Essay examines how the protests reshaped legal discourse on algorithmic decision-making in criminal law, with a specific focus on systemic racial injustice. By deconstructing the metaphorical "black box," the Essay surveys the intersection of race, technology, and incarceration while also illustrating how the uprisings influenced public and scholarly engagement with criminal legal technologies. The Essay analyzes current critiques and cautions against focusing too narrowly on reforming specific technologies rather than addressing the legal and social structures that sustain racial inequality. The Essay concludes by urging scholars and policymakers to engage with the structural dimensions of technology in criminal law and develop more comprehensive approaches to justice in the digital age.

Imoukhuede, Areto. ["The Walk Away from Racial Equality."](#) *Northwestern Journal of Law and Social Policy* 20, no. 1 (2025): 1-48.

This article demonstrates that the U.S. Supreme Court has walked away from racial equality in favor of the same liberal equality approach that was the foundation for *Plessy v. Ferguson*'s "separate but equal" doctrine. The Court's recent affirmative action cases, from *Grutter and Gratz v. Bollinger*, to *Fisher v. University of Texas*, to *Students for Fair Admissions v. President and Fellows of Harvard College*, all apply a liberal equality theory that is hostile to racial equality. In the lead-up to these cases, the Court abandoned its *Brown*-era interpretation of equality under the Fourteenth Amendment Equal Protection Clause in favor of a liberty-centered jurisprudence that is essentially a reapplication of the *Plessy*-era theory of equality.

Under the *Plessy*-era liberal equality framework, Fourteenth Amendment equality does not require positive action to advance full racial inclusion so long as law and government action provides for the same facilities for all. This "sameness" approach is the essence of the liberal component to liberal equality. Today, liberal equality is the theoretical foundation for affirmative action decisions, based on the idea that the use of race should always be subject to the strictest scrutiny even when that use is intended to benefit racial minorities.



This article distinguishes racial equality from liberal equality. It addresses how the Burger Court began the transition away from a racial equality-based doctrine, which has led to the point we are today with a re-embrace of Plessy-era liberal equality under Students for Fair Admissions. Ignoring the white supremacy concerns that underlie foundational Equal Protection Clause decisions like *Loving v. Virginia*, and instead focusing exclusively on differential treatment or discrimination concerns, removes a core component to the meaning of equal protection. Equality as identical treatment is only half the story; the other half is racial equality – the end of racialized hierarchy.

Khosla, Madhav and Pratap Bhanu Mehta. ["Caste Formalism: The Law and Politics of Equality in India."](#) *Columbia Public Law Research Paper No. 5402898 (2025): 1-88.*

This Article studies the evolution of "reservations" in India—one of the most extensive affirmative action programs globally. It argues that the reservations scheme has, over time, come to embody a distinct kind of formalism, namely caste formalism. With caste formalism, caste operates as a rigid classification scheme, presuming causal effects on individuals without further specification. Further, purely formal terms define the policy instrument of affirmative action, namely achieving numerical quotas. Ironically, the effort to recognize group-based discrimination and move beyond traditional formal equality—individualist formalism—has led to group formalism. To understand the emergence and implications of caste formalism, this Article attends to the development of legal doctrine, the forms of sociological change and political mobilization, and the nature of identity and citizenship. We underscore how, through structuring political mobilization and by caste quotas serving as a focal point, the dynamics between law and politics and the inner dialectics of the reservations scheme have led to caste formalism. The logic of formal democracy not only fails to eradicate but in fact propagates pre-democratic forms of social organization and recognition, and the legal pursuit of equality in the context of that very democratic logic tends towards the legal construction of inequality in the form of group representation.

Mukherjee, Gaurav. ["The Right to Education: Reconciling Liberty & Equality."](#) *The Oxford Handbook on Economic and Social Rights (2025): 1-25.* (Katharine Young and Malcolm Langford eds.)

The public-school classroom has long been a battleground for debates over fairness and freedom in education. Around the world, governments, parents, and schools disagree about who should control what students learn, how to balance religious and cultural beliefs with integrative aims of public education, and whether private schools should follow the same rules as public ones.



At their core, these disputes reflect the question: should education policies prioritize equal access and inclusion, or should they allow greater flexibility for parental choice, religious freedom, and school autonomy? Globally, recent legal and policy developments illustrate these fault lines. Laws restricting the teaching of race, gender, and history in public schools have gained traction, reflecting struggles over state control and parental authority that often lose sight of the underlying best interests of the child and their right to receive education. Simultaneously, privatization and school choice movements have intensified debates over the right to education as an individual entitlement versus a collective public good. Some states grant private and religious schools broad autonomy, raising questions about whether exemptions from public education mandates chip away at commitments to equality and inclusion. Using a law-in-context and comparative constitutional studies approach, this paper analyzes these conflicts through a global lens, with the United States and India serving as frames for the discussion. By examining how various legal systems mediate the balance between liberty and equality in education, the paper underscores the role of courts, policymakers, and social movements in shaping the interpretation and implementation of the right to education. The chapter therefore contributes to a broader understanding of how legal disputes both reflect and transform the meanings and trajectories of educational rights worldwide.

Mythri Raju, Ankitha. "[Sex Work and Social Exclusion](#)." *Sociology of Gender eJournal* (2024): 1-10.

They call these women names, dirty, immoral, yet in the shadows the same world comes to them, begging for what it cannot name in the daylight. Sex work is not a single story but a thousand, born from hunger, from broken homes, from dreams of freedom. It is history's child, once wrapped in temple bells and colonial chains, now surviving in the neon of Bengaluru streets.

The paper moves between voices, women who speak of choice, of power over their own bodies, and others who whisper of violence, of being crushed by a system that names them criminals rather than citizens. Feminist thought itself divides: some see only exploitation, others demand rights and dignity.

O'Connell, Paul. "[Imperialism, Inequality and Human Rights](#)." *LSN Law & Society: International & Comparative Law eJournal* (2025): 1-33.

There is a wealth of evidence which attests to the growth and deepening of economic inequality around the world, both within and between countries. There is a corresponding literature addressing the negative impact of economic inequality on the entire corpus of human rights. However, in both cases the dominant perspectives elide the root causes of economic inequality. In particular, they fail to take account of how imperialism entrenches and reproduces a system of global inequality. This article draws on recent scholarship on imperialism to demonstrate the central, structural role it plays in producing inequality, with all the human rights undermining implications this has. Further, it argues that any account of inequality and human rights that does not foreground imperialism, ends up superficially addressing symptoms, while leaving the core problem untouched.



Rajendran, Pavithra. ["Economic Abuse" as an Element of Domestic Violence Against Women: A Comparative Analysis of Sri Lanka and United Kingdom.](#) *Notre Dame Journal of International and Comparative Law* 15, no. 2 (2025): 210-245.

Economic abuse, though not a new concept in commercial law, remains underdefined and underutilized in the context of domestic violence, particularly violence against women. Recent scholarly discussions emphasize the need for a clear definition of economic abuse in this context: "Economic abuse entails a deliberate pattern of control where individuals disrupt their partner's ability to acquire, use, and maintain economic resources." This highlights economic abuse as a powerful tool of control, with perpetrators employing various strategies to assert dominance. Scholars often distinguish economic abuse from financial abuse, a crucial differentiation, especially with the recent enactment of the United Kingdom's Domestic Violence Act, which clarifies key differences between these two forms of abuse. Despite international consensus, such as in "Good Practices in Legislation on Violence Against Women – 2008," which frames all forms of domestic violence as gender-based discrimination, several jurisdictions, including the United Kingdom and Sri Lanka, have yet to fully integrate this view into their legal frameworks. This paper seeks to explore how Sri Lanka's legal and policy framework can be expanded to include economic abuse as a recognized component of domestic violence, drawing insights from the UK's experience. Additionally, it will examine how domestic violence laws in Sri Lanka have often relegated economic abuse to neutral criminal law rather than recognizing it as a form of gender-based discrimination. The paper will conduct a qualitative analysis of international instruments, domestic legislation, judicial precedents, and relevant case studies, with a comparative focus on Sri Lanka and the UK. The goal is to elucidate the level of protection provided to survivors of domestic violence, particularly women, and to propose improvements to Sri Lanka's legal approach in addressing economic abuse as a significant issue within the broader spectrum of gender-based violence.

Redstone, Ilana. ["The Unintended Consequences of Griggs V. Duke Power."](#) *Social Sciences Research Network* (2025): 1-33.

When the Supreme Court decided *Griggs v. Duke Power* in 1971, the justices gave power to the 1964 Civil Rights Act. They also institutionalized a fundamental redefinition of discrimination itself—from intentional differential treatment to any practice producing disparate racial outcomes. This analysis traces how that redefinition, backed by Supreme Court authority, spread across American institutional life through voluntary adoption and created frameworks that now govern corporate hiring, campus speech, and political discourse.

While this transformation emerged from laudable intentions to address hidden bias, it has created systems that undermine individual responsibility, due process, and democratic deliberation by making moral disagreement about equality policies effectively illegitimate. Recent executive attempts to reverse these frameworks through administrative action repeat the same error—substituting decree for the democratic conversation such fundamental changes require. The question we face now is: Was the price of advancing the Civil Rights Movement the institutionalization of a deeply polarizing moral principle?



Selmi, Michael L. "[DEI and the Private Workplace](#)." *Arizona State University Sandra Day O'Connor College of Law* no. 5406970 (2025): 1-53.

In 2023, the Supreme Court invalidated the use of race in the admissions practices of Harvard University and the University of North Carolina in a case known as *Students for Fair Admissions v. Harvard*. Immediately following that decision, dozens of cases and inquiries were filed challenging the employment practices of private employers under the notion that the Supreme Court's decision had effectively prohibited any efforts to diversify a workforce. But these recent challenges ignore the long history of workplace affirmative action which differs significantly from the educational setting where a diverse student body was seen as essential to creating an intellectual community. Private employers have long had substantial leeway to engage in practices to create and maintain a diverse workforce, now done primarily under the rubric of Diversity, Equity and Inclusion better known as DEI as opposed to affirmative action. This Essay will explore the older Supreme Court cases, how those cases have been interpreted over the years by lower courts, the move from affirmative action to DEI, and the limited effect the recent Supreme Court case should have on workplace diversity. Finally, I will discuss the recent cases and show that most of the cases resemble older cases alleging reverse discrimination and that most of the challenges to date have failed, leaving private employers with freedom to continue with their DEI practices.

Skinner-Thompson, Scott. "[Law's Gender Ideology](#)." *University of Colorado Law Legal Studies Research Paper* 25, no. 24 (2025): 1-58.

Opponents of transgender rights accuse transgender people and their allies of perpetuating a "gender ideology" that is designed to pervert children into being trans via social contagion. These critics portend that if rights for transgender people are enshrined, it will lead to a disembodied, genderless society. In reaction, many legal advocates for trans lives emphasize that gender is immutable and that trans people are born this way.

This debate is at the heart of multiple legal and political controversies enveloping American society. It also ignores three critical nuances about sex, gender, and law foregrounded by this Article.

First, to the extent law and society are beset by a gender ideology, it is an overwhelmingly cisnormative one that makes divergence from the sex-assigned at birth binary an epistemic impossibility for many. Second, gender minimalist legal regimes that only use sex and gender as regulatory fulcrums when necessary and, only then, when they take account of gender diversity and sexual nuance, do not represent a threat to any individual's unique gender identity (particularly considering the persistent forces of cisnormativity).



Finally, recognition of transgender rights under a gender minimalist regime does not deny the materiality of bodies but operates instead as an acknowledgment that our gender identities and sexed bodies are the product of complex and diverse bio-social negotiation among nature and nurture, including self-exploration. Acknowledging that gender is for some pliable (that is, not always immutable in every dimension) does not render bodies moot, society sexless, or transgender identity a contagion. Rather, it opens the door to exploration and freedom for those that have otherwise been erased by cisnormative gender ideology. In short, gender freedom is not hegemony; gender exploration is not contagion; gender nuance is good governance.

Velte, Kyle. ["Liminality, Political Psychology, and Attacks on Transgender Lives."](#) *The Southwestern Law Review* 54 (2025): 1-35.

After a period of important successes over the past twenty years, such as winning marriage equality, workplace protections, and striking down sodomy laws, the Lesbian, Gay, Bisexual, Transgender, and Queer ("LGBTQ") community has more recently faced significant backlash. Spurred on by their anger and indignation about the U.S. Supreme Court's holding in *Obergefell v. Hodges* that same-sex couples share in the fundamental right to marry, opponents of LGBTQ rights launched a multi-pronged attack on LGBTQ rights and people.

The multi-pronged nature of this attack is seen in the breadth of LGBTQ-rights issues that opponents have targeted, which include but are not limited to (1) seeking religious exemptions from state public accommodations laws to permit discrimination against same-sex couples; (2) seeking religious exemptions from Title VII, the federal law that prohibits discrimination because of sexual orientation and gender identity ("SOGI") in the workplace; (3) failing to remove same-sex marriage bans from state law or state constitutions; (4) passing laws banning transgender girls and women from participating on girls' and women's sports teams; (5) passing laws banning gender-affirming care for transgender minors.

Zhang, Alex. ["Tax Procedure and Distributive Discourse."](#) *American Journal of Comparative Law* (forthcoming) (2025): 1-41.

This Article develops the concept of procedurally forced distributive discourse, and articulates its values for a legitimate, well-functioning democracy. In classical Athens, citizens dissatisfied with their assigned tax burden could dispute it under the exchange procedure (antidosis). Under an antidosis, the taxpayer challenged another citizen to take over his tax burden or completely swap their real and personal property entitlements. Should the challengee refuse, the assignee-taxpayer appealed to the courts, and juries would assign the tax burden to the party deemed wealthier after hearing speeches from both. I argue that the antidosis procedure was not only designed to ensure tax equity within the Athenian propertied class. It also forced the wealthy to speak directly to the public, generated pressure to support progressive distribution in political rhetoric, and illuminated the methods of capital accumulation. Its operation shows the potential of tax procedure to enrich distributive speech, in the process advancing transparency goals and de-biasing the public. This Article's comparative analysis thus prompts us to rethink the relationship among democracy, discourse, and distribution.



Disability

Benjamin, Suresh and Sayed Qudrat Hashimy. ["Emerging Legal Paradigm of Disability Laws and Protecting Differently Abled Person in India."](#) *Karnataka State Law University Journal* 11, no. 1 & 2 (2023): 1-21.

India's commitment to the rights of persons with disabilities, marked by the signing of the Convention on the Rights of Persons with Disabilities (CRPD) on March 30, 2007, along with eighty-two other nations. A pivotal moment arrived on December 16, 2016, when the Indian Parliament enacted legislation, resolving a decade-long obligation. Facing a void in municipal law on reasonable accommodations and the standard for determining "undue hardship," Indian courts adeptly utilized the CRPD and its 'travaux préparatoires' to address this legal vacuum. The judiciary's consistent advocacy for differently-abled individuals is evident, emphasizing the imperative for enhanced protection against discrimination. This article meticulously examines India's legal framework, focusing on its robust measures to safeguard persons with disabilities from diverse forms of discrimination. Employing a doctrinal method with an emancipatory research approach, the study aims to contribute valuable insights into the legal safeguards for individuals with disabilities.

Braun, Joan. ["Conflicting Purposes: Guardianship Law, Mental Health Law and Involuntary Detentions."](#) *International Journal of Law and Psychiatry* 12 (2025).

Part 3 of British Columbia's Adult Guardianship Act provides a statutory framework for protecting adults who are abused or neglected and unable to seek support and assistance on their own. The legislation aligns with modern approaches to guardianship, with its focus on providing support to vulnerable adults. This statute's philosophy is captured in guiding principles, which affirm the presumption of capability and stipulate that support and assistance must be provided in a minimally intrusive manner. However, there is a gap between the statute's guiding principles and its application in practice. This is exemplified by the use of involuntary detentions to protect vulnerable adults from harm. This article argues that the resulting gap between philosophy and practice is due to inadequate procedural protections in the legislation, and overlap between the Adult Guardianship Act and the Mental Health Act. Currently, section 22 of the Mental Health Act and section 59 of the Adult Guardianship Act are both used as authority to remove older adults with dementia from the community to hospital without their consent. This article argues that this particular practice raises serious rights concerns. The foundation for these arguments is made through an analysis of the legislation, a discussion of relevant literature and judicial consideration of the issues, and identification of relevant rights concerns.

Guevara, Angelica and Tania Valdez. ["Exclusionary Ableism."](#) *LSN Disability Law eJournal* (2025): 1-27.

The U.S. immigration system reflects society's values and priorities and shapes the makeup of the country. Since the earliest immigration laws and continuing through today, people with disabilities have been targeted for exclusion and expulsion. This Article employs philosopher Louis Althusser's theory on ideology to analyze and explain how U.S. immigration law not only reflects an ableist ideology, but actively reinforces it.



We coin a new term, "exclusionary ableism," to describe this phenomenon. Althusser identified two crucial aspects of how ideology is replicated throughout society. First is the Ideological State Apparatus, which influences people every day through institutions such as family, religion, and schools. Second is the Repressive State Apparatus, which enforces ideology through violent and coercive institutions such as the police, courts, and military. Exclusionary ableism reflects these two components, as this concept both (1) describes the dominant ideology in the United States that rejects and fears people with disabilities and is apparent in our immigration law and policy, and (2) explains how that ideology is actively reproduced through the U.S. immigration system, which functions to exclude and expel noncitizens with disabilities.

Kush, Aarti and Rabia Basaria. ["AI, Disability and Laws."](#) *LSN Disability Law eJournal* (2025): 1-11.

This paper explores the intersection of Artificial Intelligence (AI), disability, and law, with a focus on the Indian legal framework and international standards. It begins by recognising that disability is often not an individual limitation, but the result of inaccessible environments. With the rapid advancement of AI technologies, new opportunities have emerged to empower persons with disabilities in areas such as education, employment, accessibility, and digital inclusion. However, the legal framework has not kept pace with these technological developments.

The Constitution of India guarantees fundamental rights to all citizens, including those with disabilities. Statutory frameworks like the Rights of Persons with Disabilities Act, 2016, give effect to these rights by mandating non-discrimination, accessibility, and equal opportunity. International conventions such as the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and emerging instruments like the EU Artificial Intelligence Act further support inclusive technology use.

Despite these legal safeguards, challenges persist, including a lack of AI-specific regulation, inaccessible digital infrastructure, data privacy concerns, and limited public awareness. Landmark cases such as *Pragya Prasun v. Union of India* and *Rahul Bajaj v. Practo Technologies* underscore the urgent need for inclusive design and legal reform. The paper concludes with recommendations for drafting AI-specific legislation, improving law implementation, and fostering awareness. It advocates for a rights-based, empathetic approach to AI development, ensuring that technology empowers rather than excludes persons with disabilities.

Macfarlane, Katherine. ["Disability and Constitutional Legitimacy."](#) *LSN Disability Law eJournal* (2025): 1-45.

Disability classifications can take one of two forms. The more familiar form targets people with disabilities on account of their disability, and harms them. This type of government classification receives deferential rational basis review, and is therefore difficult to challenge. But government action that benefits people with disabilities also classifies on the basis of disability, and receives rational basis review. This Article focuses on classifications that provide preferential treatment to disabled people precisely because of their disability through disability affirmative action programs, and argues that their legitimacy is bolstered, not weakened, by the rational basis standard.



It does so by distinguishing the constitutional status of affirmative action on the basis of disability from the constitutional status of affirmative action on the basis of race. That difference is the result of the Supreme Court's modern Equal Protection jurisprudence, through which race-based affirmative action has become constitutionally-suspect racial discrimination, no matter whom it benefits or harms. By contrast, to the extent disability discrimination disfavors the nondisabled, it simply disfavors members of a non-suspect class. The Article's approach to disability rights is both novel and necessary. Attempts to treat disability as a suspect or quasi-suspect classification have failed. Relying on rational basis first principles, the Article demonstrates that the forgiving standard of review could be used to shore up governmental support for disabled people. This framing could save disability affirmative action from the fate met by other civil rights initiatives.

Nichols, A. J., Melissa Oberstaedt, and Sarah Slutsker. ["Structural and Interpersonal Oppressions Associated with Vulnerability to Human Trafficking Experienced by People with Disabilities."](#) *Journal of Human Trafficking* (2025): 1–18.

The aim of the current pilot study was to examine the intersection of human trafficking and disability from the perspectives of survivors and the professionals who work with them to contribute to the limited body of research in this area and inform further research, paying particular attention to structural and interpersonal oppressions associated with vulnerability. The present study draws from in-depth interviews with seven participants, including two survivors and five professionals who worked with human trafficking survivors with a disability. A multi-layered inductive data analysis process involved independent co-coding of the transcribed audio recorded interviews to identify key themes and subthemes. The results included multiple disability types (e.g., autism, deafness/hard of hearing, as well as physical, learning, mental health, and intellectual disabilities), and human trafficking types (e.g., labor, sex) and forms (e.g., trafficking by an intimate partner, family member, or other third party) that were intertwined with human trafficking experiences. Interpersonal (e.g., isolation, reduced social capital) and structural oppressions (e.g., healthcare, housing instability, workplace discrimination) experienced by people with disabilities created vulnerability to human trafficking. Implications include addressing structural and interpersonal vulnerabilities through training of professionals, prevention education for people with disabilities, and resources to address healthcare, housing, workplace, and economic barriers.

Human Rights, EU Law, & International Law

Aranguiz, Ane and Francesco Corti. ["Bridging the last mile towards a European social citizenship: The case of the Equality Bodies and the European Labour Authority."](#) *European Law Journal* 31, no. 1-2 (2025): 81-97.

The European Pillar of Social Rights revamped the debate on Social Europe, simultaneously sparking conversations about a European social citizenship, although this remains negatively conceived as primarily reserved for (active) mobile citizens. We argue that the current approach to European social citizenship is biased by a justiciability axiom, which displays a disappointing social scene at the EU. Whereas we do not disagree with this, we argue that an important bulk of what makes rights 'rights' is being overlooked: instrumental resources that act as facilitators for accessing social entitlements. We illustrate this point with two examples: the European



Equality Bodies and the European Labour Authority. We find that the EU plays a greater role than often accounted for in ensuring that social rights are accessible. While these channels alone are not sufficient for a fully-fledged social citizenship, they can still play an important role in the construction of Social Europe.

Dothan, Shia. ["Social Networks and the Impact of the European Court of Human Rights."](#) *3 Eur. L. Open* 418 (2024) *iCourts Working Paper Series, no. 366 (2025)*.

Insights from Social Network Analysis reveal that the structure of the social network surrounding international courts is important for these courts' ability to secure compliance with their judgments and by this to initiate social change. International courts like the European Court of Human Rights (ECHR) invest growing resources in shaping their networks, recognizing that these networks are necessary tools that can help them to influence society. This paper will focus on the ways social network analysis can facilitate a better understanding of the ECHR. The paper explains how certain characteristics of the network surrounding the ECHR determine the ultimate social impact of the court.

Justo, N. ["Above politics: The construction of human rights in the negotiation of the Universal Declaration of Human Rights."](#) *Journal of Human Rights* 24(4), (2025): 440–455.

This article contributes to the academic debates on the legacies of the negotiation of the Universal Declaration of Human Rights for human rights and global politics. Shifting the conversation about the negotiation beyond consensus, I argue that state, United Nations, and nongovernmental organization representatives constructed human rights as moral to defer responsibility for rights realization. I show that representatives deferred addressing the tensions in human rights by inserting them into a teleological trajectory organized around attempts to separate morality and politics. Representatives proposed to protect an abstract, internal, and thus universalizable "essence" to the detriment of external, embodied, and contextual manifestations of the human. This differentiation between the moral and political facets of the human incidentally supported the claim that rights should be declared first and enforced only in the future. By collapsing morality and law through the effacement and evacuation of politics, the declaration began to emphasize notions of moral worth as the condition of possibility for liberal rights, thus framing the potentialities and limits for international legal protection.

Lajeunesse, Sarah. ["On the concepts of human security, dignity and vulnerability: understanding the mechanisms of being 'at risk'."](#) *The International Journal of Human Rights*, (2025): 1-26.

What does it mean to be 'at risk'? How do inherent characteristics, contextual factors, and relationships intertwine to increase susceptibility to harm? Vulnerability has intrigued scholars across sociology, politics, and human rights law. However, using 'vulnerability' to describe people's situations has faced criticism for potentially essentialising, oversimplifying, or disempowering individuals, which leads to their instrumentalisation. Alternatives emphasising empowerment, resilience, and intersectionality have surfaced to address these critiques, focusing on contextual threats to human security and dignity. Inherent traits may influence susceptibility to harm, while contextual factors consider the subject, environment, and timeframe through tangible and intangible elements. This paper aims to explore the mechanisms of vulnerability comprehensively, incorporating inherent factors, contextual elements, and relational dynamics. By proposing a conceptual framework to categorise vulnerability factors, this study offers a practical approach to address gaps in international human rights law, particularly useful to better understand emerging issues like climate migration



and compounded discrimination. Ultimately, the paper calls for adaptive, interdisciplinary, and inclusive reforms of human rights mechanisms to safeguard dignity and equity in the face of global challenges.

Liyew, E. B. ["Development of the right to fair trial principles in the African human rights system."](#) *Journal of Human Rights* 24(4), (2025): 486–497.

The right to a fair trial principle is rooted in the African Charter for Human and Peoples' Rights. However, many components of fair trial rights are not incorporated in the African Charter for Human and Peoples' Rights. The African Commission gives interpretations to fill this normative gap in the Waqas. Thus, this study assesses the development of the right to fair trial norms in the African Charter for Human and Peoples' Rights through the African Commission's declaration, resolution, and case laws. The study uses doctrinal research methodology while investigating the issue. The study concludes that although the right to fair trial norms have developed through the African Commission's interpretation of the African Charter for Human and Peoples' Rights, these norms are not given effect by way of effective remedies, which requires the African Commission's diligent work to persuade African states to observe the significance of the norms enshrined in the African Charter and implement them in their legal frameworks.

O'Connor, Lilibet. ["Token Legislation and the Endurance of Human Trafficking in Contemporary Legal Frameworks."](#) *SSRN*, (2025).

This paper examines the relationship between pornography consumption and human trafficking, with a focus on the United Kingdom's Modern Slavery Act 2015. It explores how overconsumption of pornography may normalise harmful sexual behaviours, shaping consumer demand and creating financial incentives for traffickers. Drawing on legal analysis, secondary research, and neurobiological evidence, the study evaluates the effectiveness of current legislation and identifies systemic weaknesses in victim protection and enforcement. The findings ultimately support the hypotheses that pornography contributes to increased trafficking demand and that existing laws, including the Modern Slavery Act, are insufficiently preventative. The paper concludes by recommending legislative reform, enhanced victim support, public education campaigns, and international collaboration to reduce trafficking and mitigate the exploitative impact of pornography.

Woldeyes, Y. G. ["Human rights and the nation state in the Global South: A genealogical and decolonial critique."](#) *Journal of Human Rights*, (2025): 1–13.

Human rights treaties rely on nation states to ratify them, thereby positioning the state as the "giver" of rights. This presents problems for realizing human rights in the Global South, given that the nation, as an organizing construct, was imported from Europe through colonialism and then cemented through local westernized nationalists that inherited the colonial state. Through a decolonial, genealogical analysis that centers the African experience in colonialism and nation building, this paper shows how human rights serves to camouflage the violence of the nation state. It argues that delinking human rights from the nation state is an important step toward reimagining human rights in a way that is usable by the marginalized.

Zakharov, Maxim. ["Self-Nation: Socio-Philosophical and Legal Insights into the Concept."](#) *SSRN*, (2025).



This paper explores the concept of a self-nation, i.e. the phenomenon of incorporating a country by a group of people pursuing some common cause. We will also look into the practical tools and legal mechanisms currently available to make such a formation a reality. From the legal perspective we will draw on the fragments of international law that regulate sovereign entities with limited recognition because there is no law that describes forming a new nation in its entirety. And as the common cause we suggest the legitimate pursuit of shared cultural code which we define as a set of instincts, beliefs and standards that predetermine behavioral patterns of an individual or a group of people. This paper is closely related to our concept of Jus Codex Culturalis which implies acquiring one's citizenship thru one's cultural code contrary to jus soli (right of soil) and jus sanguinis (right of blood) within our research framework of Codex Culturalis: Introduction, Terms and Definitions and Study Framework to the Concept of Cultural Code.

Discrimination and Employment

Dagnino, Emanuele. ["Ageing, Chronic Diseases, and Employment: Comparative Insights from Two Distinct Regulatory Models."](#) *E-Journal of International and Comparative Labour Studies* 14, no. 2 (2025): 27-48.

The paper aims to analyse the strategies and regulatory measures adopted in two different legal systems, the Italian and the French, to respond to the challenge of keeping a workforce increasingly affected by long-term or chronic pathological conditions at work. By analysing how different legal systems address the same social and economic problems, the comparative method, applied in its traditional functionalistic approach, allow to identify the different elements of the regulation, their connections and their functions in the context of the national legal systems, contributing to the overall understanding of the legal solutions adopted in each country. The comparison between a legal system that has adopted a systematic approach to the phenomenon and a legal system, such as the Italian one, which has put in place a few specific but disconnected measures, made it possible to better identify shortcomings and possible policy action to improve the regulation in the Italian context.

Dalle, Axana, Toon Wybo, Stijn Baert, and Dieter Verhaest. ["Never Too Late: Apprenticeship Training Late in The Career as a Way Out of Age Discrimination."](#) *SSRN Working Paper*, (2025): 1-69.

In many countries, age discrimination appears to be driven by negative perceptions that recruiters stereotypically hold about older candidates' technological skills, trainability, and flexibility. Based on multiple theories, we hypothesise that training programmes might mitigate these ageist stereotypes and thereby improve these candidates' recruitability. We test this pathway out of age discrimination by designing a vignette experiment in which professional recruiters assess the recruitability and human capital perceptions of fictitious candidates varying in age and (willingness for) participation in apprenticeship training at older ages. Our results demonstrate that candidates indicating their (willingness for) participation in such training to obtain relevant work experience are more likely to be recruited than candidates without such experience, regardless of their age. Moreover, recent participation also mitigates age discrimination, as the premium it yields is higher for candidates aged 55 and older. Nevertheless, no robust differences in perceptions are observed.



Katsabian, Tammy. ["Watching the Clock: Time-Tracking and the Erosion of Privacy and Dignity at Work."](#) SSRN *Forthcoming in the Comparative Labor Law and Policy Journal*, (2025).

This article examines the rise of time-tracking technologies as a dominant form of digital workplace surveillance and their implications for workers' privacy and dignity. Often framed as neutral tools for enhancing productivity, these systems embed continuous algorithmic oversight into daily work routines, intensifying managerial control and reshaping the employment relationship. Drawing on legal, philosophical, and socio-technical scholarship, the article argues that privacy and dignity are mutually reinforcing values, both of which are undermined by pervasive surveillance practices. Privacy is not treated here as a waivable entitlement grounded in individual consent, but rather as a structural safeguard that protects autonomy and supports workers' collective identity and rights. Dignity, in turn, requires that workers be treated as individuals rather than instruments of output. Time-tracking technologies challenge both by normalising constant monitoring, restricting discretion, and reducing labour to data. The article critiques the reliance on individual consent as a regulatory safeguard, highlighting its inadequacy in the context of structural power imbalances. It calls for recognising privacy and dignity as non-waivable rights requiring collective and institutional protections. A regulatory framework based on worker representation in surveillance-related decisions is proposed, shifting oversight away from unilateral employer control. By foregrounding the normative stakes of algorithmic management, the article calls for a measured reassessment of labour law's role in protecting autonomy and dignity in the digital workplace.

Makwana, Vimalkumar and M.N. Parmar ["Assessing Social Work Professionals' Perceptions of Section 377 and Its Implications for LGBTQIA+ Individuals."](#) *Social Sciences and Humanities Open*, (2025): 1-12.

The 2018 decriminalization of consensual same-sex relations under Section 377 of the Indian Penal Code marked a pivotal moment in the recognition of LGBTQIA+ rights in India. Yet, this legal milestone has not fully translated into social acceptance or professional readiness within key sectors such as social work. This study explores the perceptions, attitudes, and preparedness of social work professionals in engaging with LGBTQIA+ individuals in a post-Section 377 context. Employing a mixed-methods approach, the research collected quantitative data from 75 academicians across Gujarat using structured questionnaires, supplemented by qualitative insights from case studies. Findings reveal varying levels of awareness and perception, with younger, male, postgraduate respondents showing greater engagement. However, significant gaps persist, especially among older professionals and Ph.D. holders, indicating a disconnect between academic advancement and practical awareness. Correlation analysis confirmed that higher awareness is linked to stronger recognition of inclusion challenges. The study underscores the urgent need for curricular reforms, targeted training, and institutional support to build inclusive, rights-based social work practices in India.

Peeters, Tijl. ["Beyond Race-Conscious Admissions: Leveraging Artificial Intelligence to Build Diverse, Legally Defensible Classes After SFFA v. Harvard/UNC."](#) *SSRN Working Papers*, (2025): 1-32.



“You do not wipe away the scars of centuries by saying: Now you are free to go where you want... It is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.” With these words, President Lyndon B. Johnson reframed the civil rights struggle as one not only about access, but about real opportunity. This essay traces the evolution of affirmative action from its origins in the 1960s to its dismantling in 2023, and proposes how responsibly governed AI may provide the next tool in college admissions. It makes this case in three parts: first, that AI systems can be steered toward fair decision-making; second, that they can uncover talent often missed by current processes; and third, that their auditability provides a safeguard in an era of growing legal scrutiny.

Selmi, Michael. [“DEI and the Private Workplace.”](#) *SSRN Working Papers*, (2025): 1-53.

In 2023, the Supreme Court invalidated the use of race in the admissions practices of Harvard University and the University of North Carolina in a case known as *Students for Fair Admissions v. Harvard*. Immediately following that decision, dozens of cases and inquiries were filed challenging the employment practices of private employers under the notion that the Supreme Court's decision had effectively prohibited any efforts to diversify a workforce. But these recent challenges ignore the long history of workplace affirmative action which differs significantly from the educational setting where a diverse student body was seen as essential to creating an intellectual community. Private employers have long had substantial leeway to engage in practices to create and maintain a diverse workforce, now done primarily under the rubric of Diversity, Equity and Inclusion better known as DEI as opposed to affirmative action. This Essay will explore the older Supreme Court cases, how those cases have been interpreted over the years by lower courts, the move from affirmative action to DEI, and the limited effect the recent Supreme Court case should have on workplace diversity. Finally, I will discuss the recent cases and show that most of the cases resemble older cases alleging reverse discrimination and that most of the challenges to date have failed, leaving private employers with freedom to continue with their DEI practices.

 Vickers, Lucy. [“‘Nothing but trouble’, or reasoned inconsistency? The development of religion and belief protection since 2000.”](#) *International Journal of Discrimination and the Law*, (2025): 1-24.

The article considers the development of the law on religion and belief discrimination in the EU since the introduction of the Employment Equality Directive 2000/78 (the Equality Directive) in 2000. At the time of its introduction, it was anticipated that a number of problems would face the courts given that the new equality ground would cover similar interests to those protected by existing human rights protection for freedom of religion and belief. The article explores the extent to which those fears were realised in subsequent legal developments. It explores the development of the CJEU case law on religion and belief law and shows that in large part the predictions of inconsistent treatment of religion and belief have been borne out. It concludes with an assessment of the extent to which the inconsistencies that are identified are a serious problem for the future development of the law on religion and belief within Europe.



Migration

Ahmed, Farhan. ["Irregular Migration and the Defence of Article 8: Right to Family Life in UK Law: A Comparative Perspective with European Human Rights."](#) *Social Science Research Network* (2025): 1-33.

This paper is an updated edition of my research project from 2019 'Irregular Migration and the defence of Article 8: Right to Family Life in UK law: A comparative perspective with European human rights,' including a new chapter examining political and legal developments from 2020 to 2025. This update will reflect on how the legal landscape for irregular migrants utilising Article 8 ECHR has changed with reference to new case law, Brexit related political and legislative changes and political discourse concerning human rights in the UK. By introducing this new chapter, I intend to contribute to the continuing academic and legal discourse on the intersection between immigration control and the human rights of individuals. There is evidence of the increasing divergence between the UK courts and the ECHR in their application of Article 8 and the protection of family life post-Brexit. This additional analysis hopes to strengthen the relevance and academic value of the research conducted to aid those seeking to understand the ongoing tensions between a fundamental right in the UK and immigration enforcement.

Morano-Foadi, Sonia and Dora Kostakopoulou. ["European Rights for Non-EU Citizens – 'Integration through Rights'."](#) *European Law Journal* 31, no. 1-2 (2025): 114-129.

Integration is a problematic concept when applied to migrants but could be effective if guided by equality, non-discrimination, and fundamental rights as in Article 2 TEU. This article argues for a transformative rights-centric shift in integration. It reviews the EU's evolving approach to integration and the status of long-term resident third-country nationals (TCNs) over the decades, highlighting the shift from accommodating State interests in migration control to adopting a rights-based perspective. The Court of Justice of the EU (CJEU) bridges gaps between legally residing TCNs and EU citizens, limiting Member States' discretion under EU migration law while broadening individuals' rights. The proposed recast Long-Term Residence Directive (2003/109) contains provisions to further enhance TCNs' rights and transform them into rightful actors in European integration. However, the EU Council's decision to halt negotiations temporarily blocks progress, showing that TCNs' full inclusion in the European polity remains a difficult challenge.

Sarantaki, Antonia-Maria. ["Frontex: Transcending the EU Borders."](#) *Journal of Borderlands Studies* 40, no. 3 (2025): 691-711.

Does the work of Frontex transform borderlands? The article aims to explore the role of the European Border and Coast Guard Agency (Frontex) beyond the EU borders. Challenging the dominant portrayal of Frontex as a technical border control "tool" deployed at the EU borders, this article unpacks Frontex's impact outside the EU geographic space. Applying the "cultures of border control" analytical framework and analyzing Frontex's cooperation with third countries, it casts light on Frontex's cultural impact in the Western Balkan region, using Albania and Serbia as case studies. The article argues that Frontex is expanding and diffusing the EU border control culture beyond the EU borders. This transcends Frontex's institutional mandate set by its creators and the technical nature of cooperation agreed by its third partners. Actually, through its cultural impact, it both solidifies and expands its role and salience in border control, escaping the EU geographic limits.



Race, Ethnic Origin, and Racism

Blanco, Luisa R. and Kamila Campos, and Jessica Gonzalez, and Jorge Macias. ["MyMoney: A Program that Leverages Digital and Artificial Intelligence Tools for Improving the Financial Wellbeing of Hispanic Families."](#) *Social Science Research Network* (2025): 1-46.

Our Community-Based Digital Intervention (BDI) MyMoney was designed to meet the informational needs and promote behavioral change among Hispanic adults. We leverage Digital and Artificial Intelligence (DAI) tools to provide participants access to content that is linguistically and culturally tailored and structured to be delivered in short, accessible modules. MyMoney program provided an introductory experience to financial education with a mobilephone based approach, offering a four-week experience for improving money management skills. We conducted an extensive quantitative and qualitative data analysis of participants' and stakeholders' program experience and perspectives, which provides important insights for the design, evaluation, and implementation of future CBDI that leverage DIA tools. We recruited a total of 45 participants and 16 stakeholders. We evaluate the impact of our program with a community-based randomized controlled trial approach, and find that our program had a significant impact on saving for emergencies. We also conduct a descriptive analysis of the program experience of participants and stakeholders and provide evidence of the effectiveness of using DAI tools for CBDI. Our qualitative data analysis of participants experiences show that they valued the opportunity to participate in a digital experience that focused on improving money management skills. Qualitative data analysis collected among stakeholders shows relevant themes for delivering digital financial education programs that are successful engaging and promoting behavioral change among Hispanic communities.

Bloom, Elizabeth M. ["Book Review: Natasha N. Varyani, Owing Our Values: Understanding Systemic Racism Through the Lens of Property Law \(And Skills to do Something About it\)."](#) *73 Journal of Legal Education* 886, *Northeastern University School of Law Public Law & Legal Theory Research Paper*, no. 498 (2025): 886-898.

Owing Our Values: Understanding Systemic Racism Through the Lens of Property Law (And Skills to Do Something About It)¹ is an essential resource for the growing number of legal educators and law students who recognize that examining systemic inequities created and reinforced by the legal system is not only a critical component of legal education, but perhaps the most critical component.

Emeriau, Mathilde and Stephane Wolton. ["Xenophobic Violence and Foreigner Integration. A Framework and Evidence from 19th-century France."](#) *Social Science Research Network* (2025): 1-78.

Any time, anywhere, foreigners face hostility from the native population and politicians. A large literature has attempted to understand the effect of exposure to violence on foreigners' integration efforts in their host society. Most of the existing studies, however, estimate the effect of violence for the population of foreigners present post-treatment. Using a potential outcome framework, we highlight that the identification assumptions required to estimate this quantity without bias are more stringent than implicitly assumed and likely to be violated in most contexts. We propose an alternative approach: estimating the impact of violence on the population of foreigners present pre-treatment. We show that an unbiased estimate of this estimand can be obtained with a difference-indifferences research design under the usual assumptions for identification. We illustrate how to make use of our framework with the case of violence against Italians in 19th-century France. In particular, our theoretical and empirical approaches stress the importance of considering the heterogeneous responses of foreigners to violence.



Hessing, Jamie. "[Between Black and White: Legal Identity and the Melungeon Paradox.](#)" *Social Science Research Network* (2025): 1-45.

This article explores how multi-racial communities, particularly the Melungeons, navigated legal systems that enforced binary racial classifications in early America. Focusing on Tennessee before the Civil War, it examines how racial identity shaped access to citizenship and how courts and communities contested those boundaries. Through historical and legal analysis, the article highlights the enduring impact of racial misclassification on identity, recognition, and belonging in American law and society.

Numa, Guy and Brendan Brundage. "[Abolishing the Color Line: W. E. B. Du Bois's Theory of Dynamic Social Equilibrium.](#)" *Economy and Society. Forthcoming.* (2025): 1-30.

This article explores the political economy of W. E. B. Du Bois drawing on the mathematical analogies and theoretical insights presented in "The Future of the Negro Race in America," a rarely discussed essay that examines the conditions for "the abolition of the colour line." The term expresses Du Bois's demand for "full rights and citizenship"—namely, "full and fair equality" for Black Americans. We argue that Du Bois put forward a dynamic model of social equilibrium that sheds brighter light on the factors that affect the socioeconomic advancement of Black Americans. The main feature of the model is the interdependence between the social condition of a marginalized group and public opinion. We develop a formal Du Boisian model that distinguishes between four regimes. A shock to education improves the social condition of the Black community. This will then affect public opinion, which in turn will change social conditions, and the process will continue until a new steady state is reached at a higher value of education. A shock to integration creates a similar process. Du Bois's framework is then compared with Gunnar Myrdal's model of dynamic causation. We contend that Du Bois should be considered a major theorist of social dynamics.

Oyeniya, Abe and Janet Gbam. "[Corporate Influence and Indigenous Resistance: A Postcolonial Analysis of Development Projects in Africa.](#)" *Journal of Human Rights* 24, no. 3 (2025): 318–336.

This article examines the relationships between socio-economic inequalities of power, race, and wealth engendered by corporate structure and domination in postcolonial Africa. In Africa, the drive toward infrastructural development and economic growth has increasingly led to the displacement of local populations by TNCs. This intractable challenge confines the experiences of Indigenous people, their decolonial imaginations, to an unwarranted historicizing parochialism. However, corporate power and structure—the weapons that enforce it, the knowledge institutions that legitimize it, and the financial institutions that operationalize it—continues to sever indigenous peoples from their properties, including land, water, rivers, and natural resources. The colonial practice of displacing locals from their ancestral land, which recasts Black indigenous people as Black bodies for biopolitical disposal, continues post-colonially in a nuanced being recreated in form of development induced displacement. This article proceeds on the basis that conversion of land into property for corporate domination in the pretext of development-induced displacement, and of people into targets of subjection, continues to mutate. Projects such as dams, urban highways, extraction of resources, and urban renewal were initiated in several countries as monuments of economic hope. In some cases, these projects were greatly eulogized. Over the years, issues of inadequate compensation, improper resettlement, cosmetic consultations, and coercion have significantly precipitated counterhegemonic resistance to development



projects. At the core of this resistance is the fact that displaced minorities are necessary sacrifices for development—a feature of colonial heritage.

Sex and Gender

Banet-Weiser, Sarah and Sara Reinis. "[The Rage of Tradwives: Affective Economies and Romanticizing Retreat.](#)" *Feminist Theory* (2025): 1-17.

In the contemporary media landscape, the 'tradwife', part of a burgeoning movement of women who document their activities on social media, sends a deceptively simple message: happiness for women is to be found in caring for and submitting to one's husband, having and raising children and keeping a tidy and comfortable home. Tradwives have captured the attention of a broad media audience, with popular articles speculating on the purpose of tradwives and their politics. The media representation of tradwives is not new, though it has reached a specific form of political visibility in the current digital mediascape. Various disenchanted with corporate feminism, the national care crisis and the devaluation of reproductive labour, a large cohort of women are expressing online a yearning for an alternative vision of a fulfilling life that involves pastoral fantasies and a reactive heteronormativity. Yet, we argue that while tradwives perform happiness and serenity for their online audience, they also perform a different kind of affect: rage. They often express themselves in terms that are, sometimes subtly, sometimes explicitly, fuelled by fury aimed at what they perceive to be regressive change. Tradwives adopt moralist and moralizing values such as faith, femininity, lifestyle and heterosexual marriage, and often direct their anger at the systemic failures of corporate feminism. In this article, we position tradwives within an analytic of the 'mirror world', where tradwives and feminists respond in very different ways to a broken system. Both positionings, we argue, revolve around particular iterations of women's rage, but the consequences of the rage differ: feminist rage is directed at the ways in which the broken system discriminates against women as a group and calls for collective struggles to this inequity; tradwife rage is directed at their individual experiences with the broken system and encourages individual retreat rather than collective change.

Blanco, Carolina Fernández and M. Victoria Kristan. "[Mind the Gap: The Power of Social Norms in Gender Inequality in Europe - When Law is not Enough.](#)" *European Law Journal* 31, no. 1-2 (2025): 6-21.

Gender disparities persist across all EU Member States, despite legal frameworks that formally guarantee equality between women and men. This article explores how deeply entrenched social norms can undermine the efficacy of legal norms, focusing in particular on the domain of gender equality. Grounded in legal theory, the analysis argues that legal noncompliance is often not the result of institutional failure alone, but of conflicting social expectations that remain deeply internalised and largely unchallenged. The first section clarifies the conceptual distinction between the efficacy and effectiveness of legal norms, with attention to their design and conditions of enforcement. The second develops a typology of ways in which social norms obstruct the implementation of gender-equality law, illustrated with examples from EU Member States. The third section provides an analytical overview of how conflicting social norms undermine the efficacy of gender-equality law. Finally, the article adopts a static theoretical lens to examine how law might respond to such conflicts—not by prescribing specific reforms, but by identifying the conceptual conditions under which legal intervention can become both normatively justified and practically feasible.



Carbone, June and Nancy Levit and Naomi Cahn. ["Abuse of Power in the Workplace: The New Gender Discrimination Claims."](#) *56 University of the Pacific Law Review* 357 (2025), *Minnesota Legal Studies Research Paper No. 2025-41* (2025): 357-386.

This article draws on our book, *Fair Shake: Women and the Fight to Build a Just Economy*, to show how the fight for gender equality has changed. Antidiscrimination laws took hold during an era of relative economic equality; the fight for gender equality was a fight to gain access to the rights of white men. Today's economy creates much greater inequality and reserves the greatest rewards for a much smaller group, again predominately white and male, who can defy the rules and get away with it. In such contexts, anti-discrimination law premised on a fight for equality can provide only limited remedies and cannot be the principal line of offense. These workplaces, while they increase gender disparities, do not act to promote men over women in the distinct identity-based group terms that Title VII was designed to combat. Instead, they select for certain types of managers who are both more likely to be male and to exploit all workers where it serves the purposes of those at the top. Accordingly, the fight for gender equity cannot be cast in terms of an equal right to ascend to the ranks of those oppressing others. Instead, it becomes a fight to confront the abuse of power that shortchanges women in order to enrich the few. The most effective solutions to tame abuses of power incorporate new bases of liability and new litigation tactics to address the abuses. The most lawless workplaces both exacerbate gender disparities and exacerbate sexual harassment, retaliation, and unscrupulous business practices. The emerging strategies, which the best lawyers have already begun to employ, recognize that abuse of power, once made visible, is hard to justify and becomes a source of employer vulnerability rather than strength. This article argues that the fight for gender equality today must take place alongside a fight to tame corrupt and abusive workplaces. This article first shows how the abuse of power in today's workplaces is different from wholesale exclusion of protected groups. The next section examines the limits of conventional sex discrimination claims in promoting gender parity because they cannot challenge the underlying abuses of power that structure workplaces or affect the political environment that allows such abuses to continue. The third section points to new tactics that have had some success in creating accountability, and the final section provides larger structural suggestions on how to move forward.

Katz, Elizabeth D. ["May It Please Her Honor": The United States' First Women Judges, 1870-1930."](#) *University of Florida Levin College of Law Research Paper Forthcoming, Washington University Law Review* 102, no. 6 (2025): 1729-1799.

Between 1870 and 1930, hundreds of women served as judges in the United States. While a small number compared to the men who served, these pathbreaking officials were particularly visible and influential in women's efforts to secure political rights and advance in the legal profession. Women's progress in obtaining judgeships developed in a regional pattern, with women in the Midwest and West able to secure earlier and broader jurisdiction positions than their counterparts in the Northeast and South. Seeking access to the judiciary, women in conservative states made gendered arguments about women's supposed superiority in overseeing cases involving women, children, and families. Some demonstrated women's skill in handling juvenile and family matters through service as the country's first probation officers, a step that supported women's selection as judges in juvenile and family courts. Regardless of location or type of court, women judges attracted significant attention because they seemed to embody the promise and perils of women's increasing political and professional power. Yet since most served in local trial courts, nearly all are forgotten today. This Article recovers



the stories of these overlooked trailblazers, offering the most comprehensive account of the obstacles they faced and the strategies they deployed to join the country's judicial benches.

Kirsch, Madeleine Eriksson. ["We Are Seriously Two Equals": Lesbian Mothers-to-be and Sharing Motherhood in Sweden.](#) *Gender & Society* 39, no. 5 (2025): 774-798.

This study explores how women in lesbian couples in Sweden discuss in/equalities during their transitions into motherhood. The couples are situated in a context where gender equality discourse has long dominated public narratives and political decisions about families. Debates and policy-makers have focused on the challenges of motherhood in relation to fatherhood and couple inequalities due to gender differences. Against this background, this study asks: How do women in lesbian couples navigate their transition to first-time-motherhood? Drawing on interviews with 40 lesbian mothers-to-be (20 couples), the findings suggest that these women perceive themselves as exempt from the gender equality project. As such, they can "afford" inequitable household arrangements and approach intensive motherhood ideals while maintaining that they lead a feminist life. They see no incongruence because they assert that (absent) fathers and households with men are part of problems with gender equality. In the study, these associations are linked to cultural scripts about couple equality and motherhood—which, indeed, revolve around heterosexual couples. As a consequence, women in lesbian relationships may not foresee the gendered consequences of their actions and arrangements.

Robinson-Dorn, Trilby. ["A Road Map for Law Schools: Changing Problematic Faculty Compensation Practices that Perpetuate the Gender Pay Gap."](#) 73 *J. Legal Educ.* 635 (2025), *UC Irvine School of Law Research Paper*, no. 2025-09 (2025): 635-682.

There is still a significant pay gap between male and female law professors, and an even larger gap between male law professors and female law professors of color. This is the first article to examine how certain traditional law school faculty compensation practices contribute to and perpetuate that pay gap, and why law school Deans should examine and change these practices based on research and recent legal developments. Section I summarizes the research on legal academia's continuing gender and racial pay gap problem. Section II summarizes recent pay equity legal developments which require law schools as employers to make changes to certain compensation practices. Most significantly, Section III then proposes a series of specific steps law schools should take to change their schools' outdated faculty compensation practices in order to improve faculty pay equity and comply with new laws. Law schools can follow these recommendations without fundamentally restructuring faculty categories or making other major changes to their operations.

Law schools should focus on adopting the following best compensation practices to close their gender pay gaps and come into compliance with pay equity law, as numerous private employers have already done. First, a law school should conduct an internal equity study of its current faculty compensation which includes not just salary, but all forms of compensation. Second, based on this study's results, a law school should remedy any individual gender or racial inequities in pay and correct its pay-setting practices going forward to prevent recurring pay equity problems. Third, a law school should discontinue the practice of relying on prior salary information in setting new faculty salaries. Fourth, a law school should instead set faculty salaries based on disclosed salary ranges. Fifth, a law school should disclose to new hires and existing faculty individual faculty compensation, including all forms of non-salary compensation law schools frequently award such as research stipends and housing loans. Finally, a law school should either stop using retention raises altogether, or use them only in connection with increases to the salaries of all comparable faculty. By taking these six relatively straightforward



steps to update compensation practices, a law school will make strides in complying with pay equity laws and reducing the gender and racial pay gap on its faculty.

Shahalam Parvez, Rudro Mohammad. ["Gender Blindness: The Lack of Legal Protection for Male Rape Victims."](#) *Social Science Research Network* (2025): 1-9.

Male Rape in Bangladesh is a sensitive and under-explored issue within the broader context of sexual violence. Despite prevailing societal taboos and stigmas surrounding male victimization, incidents of male rape are increasingly being reported. Male rape is a significant but often overlooked issue in Bangladesh, exacerbated by legislative inaccuracies within the country's penal code. This article explores the deficiencies within Section 375 of Bangladesh's Penal Code 1860 and its explanation, which fails to adequately address instances of male rape. The legislative oversight perpetuates a culture of impunity for perpetrators and denies justice to male victims of sexual assault. By analyzing the legal framework, this article sheds light on the systemic barriers that hinder the recognition and prosecution of male rape cases in Bangladesh. It emphasizes the urgent need for legislative reform to rectify these inaccuracies and ensure equal protection under the law for all victims of sexual violence, regardless of gender. Additionally, it underscores the broader societal implications of addressing male rape, including the stigmatization of male victimhood and the promotion of gender equality and human rights. This article serves as a call to action for policymakers, legal experts, and activists to prioritize the reform of Bangladesh's penal code to better address the issue of male rape and uphold justice for all survivors.

Urbina, Daniela R. and Daria Tisch. ["Perceived Fairness of Couples' Division of Housework: Evidence From a Multi-Factorial Experiment in the United States."](#) *Gender & Society* 39, no. 4 (2025): 590-629.

Although the ratio of women's to men's housework hours has declined, women still spend more time than men doing household tasks in most high-income contexts. This article examines one of the hypothesized mechanisms underlying the persistence of housework disparities—fairness perceptions—via a survey experiment in the United States. We ask: What factors contribute to fairness assessments of unequal divisions of housework in different-sex couples? Given increasing trends in gender-egalitarian attitudes, do people still think it is more fair for women to do a larger share of the housework? To address these questions, we relied on a multi-factorial vignette experiment on a nationally representative sample of 1,502 adults, in which respondents rated the fairness of the divisions of housework among hypothetical couples. Our results demonstrate that respondents engage in trade-off calculations that, to some extent, justify unequal divisions of housework. Spouses' relative earnings and work time were assessed as contributions that justify doing fewer housework chores for both men and women. Contrary to our expectations, we find that people perceive arrangements where women perform a higher proportion of housework as less fair than scenarios where men do so. These results suggest a shift in public opinion regarding prescriptive gendered norms about housework divisions, contrasting with the decreasing but persistent gender gap in housework disadvantaging women.



LGBTQI+ Rights

Appleton, Susan Frelich and Albertina Antognini. [“Abolishing the Family.”](#) *Washington University in St. Louis Legal Studies Research Paper No. 25-08-01, Loyola Law School, Los Angeles Legal Studies Research Paper No. 2025-20 (2025): 1-62.*

Family law scholarship is replete with calls for reform. Yet gender-, race-, and class-based inequalities within and across families remain intractable. So what if, instead of reforming the family, we abolish it?

Abolishing the family might sound like a startling idea for a family-law analysis, especially after decades of efforts to expand the legal understanding of “family.” But the proposal is hardly new. In this Article, we begin the project of considering what an abolitionist family law might entail by engaging with the literature on family abolition, which has up until now mostly appeared outside of law.

While family abolition is in many ways a radical departure from current law reform and family law scholarship, we show that it is not wholly unprecedented. Our analysis provides a taxonomy that brings together legal and non-legal critiques that strike at core features of the family. In particular, we identify five theoretical models that we discover in the existing literature and that we argue provide different paths towards family abolition. They are: the direct compensation model, the communal care model, the friendship model, the disaggregation model, and the statist model. Each model envisions a world in which law does not maintain the family’s narrowly defined status as a distinctive entity meriting special rules. We end by operationalizing these models and consider how each might respond to the various family law problems we set out, all of which focus on care—who performs it, who receives it, and how it is valued.

Engaging in an abolitionist, as opposed to reformist, project provides a way to address problems in family law that have proven intransigent and reveals why reforms have been so difficult to implement. To be clear, we are not advocating for any particular path to accomplish family abolition. Instead, we are dismantling the veneer of inevitability and appeals to nature that couch discussions of both the family and family law. Ultimately, this Article expands conversations about family law to include family abolition and, in turn, conversations about family abolition to include family law.

Dangaran, D. [“Interwoven Remedies: The Healthcare-Disability Overlap in Gender-Affirming Care Behind Bars.”](#) *American Criminal Law Review, Volume 62, University of Hawai’i Richardson School of Law Research Paper No. 5395248 (2025): 1271-1304.*

This Article examines a dilemma in disability law in the prison context. The Seventh Circuit held in *Bryant v. Madigan* that a disability cannot be “treated” with medical care. That is, prescribed medical treatment cannot be a reasonable accommodation under the Americans with Disabilities Act (ADA). Yet plaintiffs often allege Eighth Amendment medical deliberate indifference claims and disability rights claims for the same injury. This Article situates this tension and explains how plaintiffs have successfully navigated it. The argument is straightforward: if access to a medical service is discriminatorily barred or if a reasonable accommodation is



denied, then the plaintiff has an ADA claim. And if medically necessary care is denied and the prison officials acted with deliberate indifference, then the plaintiff also has an Eighth Amendment claim. The Article illustrates how plaintiffs with gender dysphoria may navigate Bryant to pursue reasonable accommodations under the ADA. Finally, the Article argues that ADA claims are more advantageous than Eighth Amendment claims from a liberationist perspective that resists ableism and the medicalization of trans people and embraces the full spectrum of accommodations to gender dysphoria that trans people may seek.

García Gómez, Leandro Carlo. ["More than Documenting LGBTQ+ Narratives: A Human Rights Activists' Perspective from Colombia's Truth Commission."](#) *The International Journal of Human Rights* (2025): 1–20.

This article explores how LGBTQ+ organisations engage with transitional justice not only to achieve recognition, but to interrogate and reshape its epistemic foundations. Focusing on the Colombian organisation Caribe Afirmativo and its contributions to the country's Truth Commission (Comisión para el Esclarecimiento de la Verdad), it examines how memory work becomes a site of negotiation, contestation, and political intervention. Drawing on qualitative methods – including document analysis and generative dialogues (Fried Schnitman, 2001, *Nuevos paradigmas, cultura y subjetividad*. Paidós) with activists – the article analyses how Caribe Afirmativo navigated three interrelated challenges: maintaining autonomy while engaging with state institutions; producing knowledge from grassroots and dissident perspectives; and advancing claims for collective reparation amid inequality. Rather than celebrating inclusion as progress, the article critically assesses the limitations of state-led mechanisms which, while symbolically inclusive, remain structurally constrained. Caribe Afirmativo's dual positioning – as a contributor to state-led truth-telling mechanisms and a producer of autonomous memory practices – reveals how LGBTQ+ actors navigate between institutional dialogue and activist critique. These dynamics underscore that queering transitional justice involves more than adding new voices: it requires unsettling the normative logics that shape recognition, reparation, and justice.

Ong, Benjamin Joshua. ["Constitutional Obiter Dicta on Male-Male Sex and Fundamental Rights in Singapore."](#) *Singapore Management University School of Law Research Paper Forthcoming* (2025): 1-29.

The Singapore Court of Appeal held a law prohibiting male-male sexual intercourse (s 377A of the Penal Code) unenforceable on non-rights-based grounds. The court's remarks about the rights to life and liberty (including whether sexual orientation is mutable), freedom of expression, and equality are obiter. But they are significant, since in Singapore, there are few constitutional rights cases and the courts focus on spelling out the limits to executive and legislative power without necessarily striking down exercises of such power on rights grounds. Indeed, the obiter dicta prompted the Legislature to repeal s 377A. Given the repeal, the obiter dicta about constitutional rights have receded into the background of public discourse. This article refocuses attention on these dicta, unpacking them in their constitutional, sub-constitutional, and societal context and critically analysing their implications, and presenting them as a case study about the role of obiter dicta in rights adjudication generally.

Rodriguez, S. M. ["Respatialising The Global Imaginary of Gay Rights: Resisting Africana Epistemicide and Forging Solidaristic Imaginaries."](#) *The International Journal of Human Rights* (2025): 1–24.

This article critiques the global imaginary of LGBTQ rights, arguing that dominant metrics of state-based human rights frameworks, what I term the Gay Rights International Movement (GRIM), reproduce anti-Blackness by aligning queerness with whiteness, modernity, and state legibility. These frameworks enact and rely on what I



theorise as Africana epistemicide: the erasure of African ways of knowing gender and sexuality. Rather than merely misrepresenting queer lives, GRIM frameworks actively undermine Black queer solidarity by enforcing Western-dominated models of identity rights and justice. In response, this article offers Solidaristic Imaginaries as a decolonial framework for rethinking queer political connection beyond nation-state borders, human rights penalty, and colonial constructions of progressive vs. backwards. Through two case studies – queer activism in Nigeria’s #EndSARS movement and the CAISO Queer Archives of Trinidad and Tobago – I demonstrate how diasporic Black queer formations resist epistemic violence and enact alternative action infrastructures. These practices do not seek inclusion within GRIM’s legalist teleology, but instead foreground Black queer life as globally entangled, historically continuous, and epistemically central. The article ultimately calls for a radical respatialisation of queer political imaginaries, reorienting how Blackness is imagined in relationship to space, time and liberatory struggle.

Zalnieriute, Monika. [“Silencing Identities: LGBTI Rights in the Digital Age.”](#) in B. Wagner; M. C. Kettemann; K. Vieth-Ditlmann, and S. Montgomery, *Research Handbook on Human Rights and Technology*, Edward Elgar, (2025): 361-388.

Digital technologies increasingly affect our daily lives – Artificial Intelligence (AI), automated decision-making tools, and facial recognition technologies are dominating our screens, homes, city streets and squares. The impact of these digital technologies on our human rights is important for everyone. Yet for some, that impact is greater. It is disproportionately felt by those who have been already marginalised or excluded. This chapter focuses on the human rights implications of digital technologies for LGBTI communities. It discusses competing narratives on digital technologies and LGBTI rights as well as current violations of LGBTI-related human rights by state and private actors, in order to propose an LGBTI & digital rights analytical framework. Such a framework is necessary to address the growing complexity of the human rights implications for LGBTI and other marginalized communities – and these implications go well beyond the classical digital rights, such as freedom of expression and privacy. Such a framework is also instrumental for the LGBTI movement to expand its political spectrum beyond ‘traditional’ issues, such as marriage equality and gender identity, and confront others pressing civil rights concerns to assure the effective and full equality of LGBTI communities in the digital age. This chapter illuminates the problematic issues at the intersection of LGBTI communities and digital technologies.

Socio-Economic Inequality

Curtis, Quinn, Leo E. Strine, Jr., and David H., Webber, [“REBALANCING RETIREMENT: HOW 401\(k\) PLANS EXACERBATE INEQUALITY AND WHAT WE CAN DO ABOUT IT.”](#) *Boston Univ. School of Law Research Paper*, no. 5393400 (2025).

Incentives for individuals to save for retirement currently total 1.5% of US GDP. For that substantial investment, we get a system that actually deepens wealth inequality. The top 10% of earners capture 60% of the associated tax benefits, and employer matching contributions disproportionately favor the highest earners. Although defined contribution plans have long been subject to non-discrimination requirements aimed at ensuring that



benefits do not accrue predominantly to the wealthiest participants, these rules have little bite. In an irony, we estimate that the entire 401(k) system would fail the non-discrimination test that every employer offering such a plan is expected to pass. This Article examines the structural causes of these disparities, including growing income inequality, critiques the shortcomings of the non-discrimination rules, and proposes practical reforms to the 401(k) system, alongside a supporting increase in the minimum wage. Our reforms would realign public policy to address the related needs for more economic equality and to provide equitable incentives for retirement savings for the many, not just the few. Ultimately, these reform proposals seek to get the most value for the American public out of the considerable retirement tax expenditures under §401(k).

Daliri, Hassan. ["Innovation and Income Inequality: Exploring the Role of the Golden Triangle."](#) *KIEP Research Paper Forthcoming*, (2025).

This study explores the complex relationship between innovation and income inequality in 29 Asian economies from 2013 to 2022, emphasizing the mediating role of the Golden Triangle-comprising the state, civil society, and the market system. The study highlights how imbalances in the Golden Triangle's components can hinder the inclusive potential of innovation, exacerbating inequality. Using a Panel Smooth Transition Regression (PSTR) model, it captures the nonlinear dynamics of innovation's impact on income distribution and identifies threshold effects driven by institutional imbalances. The study reveals that the impact of innovation on income inequality is highly dependent on the balance within the Golden Triangle-state, civil society, and the market. When this balance is maintained, innovation contributes to more equitable income distribution by fostering inclusive economic growth. However, when the Golden Triangle is imbalanced, innovation disproportionately benefits higher-income groups, widening income disparities. Specifically, excessive power imbalances reduce the income share of low-income groups and concentrate wealth among high-income groups. Power imbalances weaken the redistributive effects of innovation, reducing the income share of lower-income groups while concentrating wealth at the top. These results highlight the critical role of institutional frameworks in shaping the equity outcomes of innovation. The study offers valuable policy insights, emphasizing the need for balanced institutional structures to ensure that innovation promotes inclusive growth rather than deepening economic disparities in Asian economies.

Emmanuel, Mayowa. ["Exploring the Role of Socioeconomic Inequities in Diabetes Management Outcomes Among Rural Populations."](#) *SSRN Working Paper*, (2025).

This paper discusses the role of socioeconomic disparities in diabetes management among rural communities in the United States. Most rural communities also have high cases of diabetes, but there is a lack of healthcare in the community, and thus such communities are susceptible to poor disease outcomes. The study examines the relationship between predictors or moderators, i.e. income level, education, employment status, insurance coverage, and geographic isolation, and control indicator of diabetes, i.e. HbA1c levels, hospitalization, and treatment adherence, through the use of secondary data reflecting the trends reported in the public health databases, reports of census surveys, and clinical registries. The results indicate the existence of a strong positive correlation between social deprivation and poor diabetes outcomes and that those with less income and fewer education are also the most prone to manage diabetes ineffectively. There is also the issue of structural barriers like poor transportation and provider shortage that tend to worsen disparities. The paper highlights the importance of the adoption of specific policies and community-oriented measures to alleviate the social factors affecting health to control chronic conditions in underserved rural communities.



Hendricks, Alicia. ["Unlocking the potential of the EU Charter to ensure equal treatment and non-discrimination between children in childcare leave."](#) *European Law Journal* 31, no. 1-2 (2025): 42-62.

EU childcare leave law and policy have traditionally been shaped by concerns relating to gender equality and work-life balance. Conversely, the rights of the child remain largely marginalised in this context, which may result in unequal access to childcare leave among children. Against this normative backdrop, the present paper explores the meaning of equality and non-discrimination between children in relation to childcare leave. It argues for a robust and purposive application of the EU Charter of Fundamental Rights to ensure that children's rights are mainstreamed in all the acts of the EU institutions as well as those of the Member States when they are implementing EU law. In particular, Articles 20 and 21(1) are important to secure equal access to childcare leave for all children.

Jain, Dineshk. ["Voices of Diversity: Mapping Socio-Demographic Dynamics and Exploring Inequality Through Varied Perspectives in India."](#) *SSRN Working Paper*, (2025).

India and its intricate weave of the rich societal mosaic which is the result of the convergence of various strands such as those of tradition, caste dynamics and cultural diversity, encapsulate the latent seeds of oppression, waiting to be activated by consciousness and uprisings that will ultimately result in revolutionary change. Keeping in mind the words of Bryant McGill, who once proposed,

"In every seed of oppression lies the potential for revolution"

This survey embarks on an in-depth examination of the social science domain in India aiming to shed light on the prevalent beliefs that permeate Indian culture, with a particular focus on caste dynamics, indigenous communities, and socioeconomic disparities prevalent in the society. It delves deeply into the communal consciousness with the goal of not just comprehending but also analyzing the societal perceptions in place currently and aims to transform them. It also delves deep into the collective consciousness with the goal of not just understanding, but also dissecting and ultimately transforming the various stereotypes prevalent in the society. Through this lens, we hope to reveal the complex layers of reality and perception that define contemporary Indian culture. In this endeavour, we want not only to expose faulty societal perspectives but also nurture the seeds that promise to bring out the true spirit of egalitarianism in society. By bringing these critical concerns to the forefront, we seek to plant the seeds of change and promote a more inclusive and fair future for all parts of society.

As the country confronts its traumatic past legacy and looks ahead, there is a pressing need to delve further into the field of social sciences in order to understand the complex dynamics of society and its social structures. This necessity acts as the driving force behind this study, which seeks to untangle the intricacies of societal structures and shed light on many aspects of social understanding.

Plecnik, James. ["Is the One Big Beautiful Bill One Small Step Towards \(or Away From\) Income Tax Equity?"](#) *SSRN Working Paper*, (2025).



This study conducts the first quantitative analysis of the individual tax provisions in the “One Big Beautiful Bill” (OB BB), juxtaposing this quantitative analysis with a detailed textual analysis of each provision. I focus on whether these provisions contribute to or detract from tax equity, finding various important results. I find that the OB BB is the first tax law in decades that provides strong income tax cuts for middle-income taxpayers—though the group is still arguably highly taxed even after the OB BB. Next, while the OB BB’s proponents (and text) imply strong benefits for low-income taxpayers due to the law’s new tax cuts for overtime pay, tip income, and Social Security income (low-income taxpayers often rely on these income items), the structure of the tax code prevents low-income taxpayers from achieving any substantive benefit from these cuts. If policymakers wish to deliver tax relief to low-income taxpayers, alternative approaches must be considered. I suggest a “modern payroll tax cut.” Payroll taxes constitute the majority of taxes paid by low-income individuals, and thus a payroll tax cut would result in substantive relief for this group.

Riedmiller, Sebastian. “[Reducing Inequality by Correcting Misperceptions: Experimental Evidence on Student Aid Take-Up.](#)” *MPI Collective Goods Discussion Paper*, no. 2025/11. (2025).

Financial student aid improves educational outcomes and reduces social inequality, yet many eligible students do not take it up. To examine whether correcting misperceptions increases take-up, I conducted an RCT with 6,225 university students across Germany who were not receiving aid. I find that 63% of students systematically underestimate the financial benefits and overestimate repayment obligations of student aid, and 86% misperceive their eligibility. Providing combined information about the program conditions and individual eligibility significantly corrected misperceptions after six months and increased take-up by 46% after one year. This increase is particularly strong among disadvantaged students. After take-up, students report higher available income while reducing earnings and parental support. These findings suggest that correcting misperceptions can reduce social inequality by alleviating financial constraints among disadvantaged students and their parents

Yaish, Aviv, Nir Chemaya, Lin William Cong, and Dahlia Malkhi, “[Inequality in the Age of Pseudonymity.](#)” *SSRN Working Paper*, (2025).

Inequality measures such as the Gini coefficient are used to inform and motivate policymaking, and are increasingly applied to digital platforms. We analyze how measures fare in pseudonymous settings that are common in the digital age. One key challenge of such environments is the ability of actors to create fake identities under fictitious false names, also known as “Sybils.” While some actors may do so to preserve their privacy, we show that this can inadvertently hamper inequality measurements. As we prove, it is impossible for measures satisfying the literature’s canonical set of desired properties to assess the inequality of an economy that may harbor Sybils. We characterize the class of all Sybil-proof measures, and prove that they must satisfy relaxed version of the aforementioned properties. Furthermore, we show that the structure imposed restricts the ability to assess inequality at a fine-grained level. By applying our results, we prove that large classes of popular measures are not Sybil-proof, with the famous Gini coefficient being but one example out of many. Finally, we examine the dynamics leading to the creation of Sybils in digital and traditional settings.



Age & Disability

 Steele, Linda. "[Truth Commissions on Disability Institutions: Towards a Disability Truth and Repair Framework.](#)" *Human Rights Law Review* 25, 2 (2024) 1-28.

Article 19 of the Convention on the Rights of Persons with Disability provides for the right to live independently and be included in the community. The UN Committee on the Rights of Persons with Disabilities clarifies that this right requires States parties to undertake deinstitutionalization that extends to providing 'remedies, reparations, and redress' for institutionalization, including through establishment of truth commissions. In this article I argue for the development of a Disability Truth and Repair Framework to support future design and critical evaluation of truth commissions on disability institutions. I map out a series of conceptual and practical considerations that can inform the framework, by reference to philosophical scholarship on moral repair and critical disability studies scholarship on institutions. Considerations include temporal, familial, and cultural dynamics of institutionalization, connections between institutionalization and other dynamics of oppression and settler colonialism, professional, government, and charity power, and diverse lived experience and accessibility needs.