

Thomas B. Ginsburg

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Education:

University of California at Berkeley:

B.A., Asian Studies, 1989

J.D., 1997

Ph.D., Jurisprudence and Social Policy, 1999

Employment:

University of Chicago Law School, Professor, 2008-

University of Illinois College of Law, Assistant (2000-03), Associate (2003-05) and full Professor (2005-08)

Legal Advisor, Iran-US Claims Tribunal, The Hague, Netherlands, 1998-2000

Lecturer, Kyushu University Faculty of Law, Fukuoka, Japan, 1997-98

Legal Assistant, U.S. Department of State, Washington DC, 1997

Summer Associate, Freshfields, Bangkok, Thailand, 1997

Secretary, Mekong Region Law Center, Bangkok, 1993-94

Supreme Court of Mongolia, Ulaanbaatar, 1993

The Asia Foundation, San Francisco and Asia, Consultant 1993-2004; Program Officer for Northeast Asia, 1990-92, and John Gardner Fellow, Center for Asian Pacific Affairs, 1989-90

Other Professional Activities: Visiting Professor, Seoul National University, July 2008; Visiting Professor, University of Chicago Law School (2007-2008); University of Pennsylvania Law School (Spring 2007); Visiting Professor, Interdisciplinary Centre Herzliya (Israel), 2005; Visiting Professor, University of Tokyo Law School, July, 2004 and August 2008; Visiting Professor, Kyushu University, 2002, 2004, 2006; Faculty Member, Law and Society Summer Institute, July 2003; Visiting Professor, University of Trento, Italy, May 2002 and 2003; Consultant, Judicial Commission of Afghanistan, Jan. 2003; Consultant, Administrative Law Drafting Commission, Tajikistan, 2004-2006; Consultant, Supreme Administrative Court of Montenegro 2007.

Awards and Honors: Abe Fellowship, Social Science Research Program, 2008-10; National

Science Foundation, Award No. SES-0648288 (Comparative Constitutions Project), 2007-08; University of Illinois, Sheth Award for International Faculty Achievement, 2008; University of Illinois University Scholar, 2005-06; 2005 University of Illinois Campus Award for Excellence in Graduate and Professional Teaching; 2004 C. Herman Pritchett Award, American Political Science Association, for Best Book on Law and Courts; Wayne LaFave Award for Excellence in Faculty Scholarship, University of Illinois College of Law, 2004; Hessel Yntema Prize for Best Article by a Scholar under 40, American Society of Comparative Law, 2002; National Science Foundation Graduate Research Award 1994-97; Order of the Coif.

Professional Affiliations & Memberships: Term Member, Council on Foreign Relations 2002-2007; State Bar of California, 1997-; Law and Society Association; American Political Science Association; American Law and Economics Association; American Society of International Law.

Research Interests: comparative public law, international law, law and development, East Asia.

Current Courses: International Law, International Human Rights, Comparative Legal Institutions, Law and Economic Development, Law and Society in East Asia.

Other Scholarly Activity:

Peer Reviewer for Political Research Quarterly; Journal of Legal Studies; Law and Social Inquiry; Law and Society Review; International Review of Law and Economics; Conflict Management and Peace Research; Australian Journal of Asian Law; Asian Survey; Journal of Law, Technology and Policy; World Politics; Journal of Feminist Economics; Review of Law and Economics; Oxford University Press; Cambridge University Press; University of Washington Press; National Science Foundations of United States, Netherlands, Finland.

Editorial Board, American Journal of Comparative Law; Journal of Korean Law; Law and Society Review

Thomas B. Ginsburg
Publications List
as of June 1, 2010

Books:

THE ENDURANCE OF NATIONAL CONSTITUTIONS (Cambridge University Press, 2009) (with Zachary Elkins and James Melton).

COMPARATIVE LEGAL INSTITUTIONS (Aspen Publishing, forthcoming 2011) (with Francesco Parisi and Guy Seidman).

Editor, ADMINISTRATIVE LAW AND GOVERNANCE IN ASIA: COMPARATIVE PERSPECTIVES (Routledge Press, 2009) (with Albert Chen).

Editor, RULE BY LAW: THE POLITICS OF COURTS IN AUTHORITARIAN REGIMES (Cambridge University Press, 2008) (with Tamir Moustafa).

Editor, INSTITUTIONS AND PUBLIC LAW: COMPARATIVE APPROACHES (Peter Lang Publishing, 2005) (with Robert A. Kagan).

Editor, LEGAL REFORM IN KOREA, (Routledge Publishing, 2004).

JUDICIAL REVIEW IN NEW DEMOCRACIES: CONSTITUTIONAL COURTS IN EAST ASIA (Cambridge University Press, 2003).

Editor, INTERNATIONAL COMMERCIAL ARBITRATION IN ASIA (Juris Publishing, 2002; 2nd ed. 2005) (with Philip J. McConaughay).

Editor, THE MULTIPLE WORLDS OF JAPANESE LAW (University of Victoria Center for Asia Pacific Initiatives, 2001) (with Luke Nottage and Hiroo Sono).

Accepted and Published Articles and Book Chapters:

Subconstitutionalism, __ STANFORD L. REV. __ (2010) (with Eric Posner).

Lawrence Friedman's Comparative Law in LAW, SOCIETY AND HISTORY: ESSAYS ON THEMES IN THE LEGAL HISTORY AND LEGAL SOCIOLOGY OF LAWRENCE M. FRIEDMAN (Robert Gordon, ed., Cambridge University Press, 2010).

National Courts, Domestic Democracy, and the Evolution of International Law: A Reply to Eyal Benvenisti and George Downs, 20:4 EUROPEAN JOURNAL OF INTERNATIONAL LAW 1021-26 (2010).

Studying Japanese Law Because it's There, 58 AMERICAN JOURNAL OF COMPARATIVE LAW 15-25 (2010).

Public Choice and Constitutional Design, HANDBOOK OF PUBLIC CHOICE (edited by Daniel Farber and Anne Joseph O'Connell, Edward Elgar Publishing, 2010).

International Law, in OXFORD HANDBOOK OF EMPIRICAL LEGAL STUDIES (Bert Kritzer and Peter Cane, eds., Oxford University Press, 2010) (with Gregory Shaffer).

The Arbitrator as Agent: Why Deferential Review is not Always Pro-Arbitration, 77 U. CHICAGO L. REV. __ (2010)

Eastphalia as a Return to Westphalia, 17 INDIANA J. GLOBAL LEG. STUDIES 27-45 (2010).

Economic Analysis and Comparative Law, in CAMBRIDGE COMPANION TO COMPARATIVE LAW (Mauro Bussani, ed. 2009) (with Nuno Garoupa).

Written Constitutions and the Administrative State: On the Constitutional Character of Administrative Law, in COMPARATIVE ADMINISTRATIVE LAW (Susan Rose-Ackerman and Peter Lindseth, eds., Edward Elgar, 2010).

Judicial Audiences and Reputation: Perspectives from Comparative Law 47 COLUM. J. TRANSNAT'L L. 451-90 (2009) (with Nuno Garoupa).

Ancillary Powers of Constitutional Courts, 87(7) TEXAS L. REV. 1432-61 (2009) (with Zachary Elkins).

Judicial Independence in East Asia: Implications for China, in JUDICIAL INDEPENDENCE IN CHINA (Randall Peerenboom, ed., Cambridge University Press, 2010).

The Constitutional Court and the Judicialization of Korean Politics, in NEW COURTS IN ASIA (forthcoming in Andrew Harding, et al eds., Routledge 2009).

The Relationship between Constitutional and International Devices to Protect Minority Rights, JOURNAL OF THE CENTER FOR MINORITY STUDIES, KANSAI UNIVERSITY (2009)

Constitutional Afterlife: The Continuing Impact of Thailand's Post-Political Constitution, 7(1) INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 83-105 (2009)

Does the Process of Constitution-Making Matter? in 5 ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE 201-24 (2009) (with Zachary Elkins and Justin Blount).

Guarding the Guardians: Judicial Councils and Judicial Independence, 57 AMERICAN JOURNAL OF COMPARATIVE LAW 201-32 (2009) (with Nuno Garoupa).

International Delegation and State Disaggregation, 20(3) CONSTITUTIONAL POLITICAL ECONOMY 323-40 (2009)

The Clash of Commitments at the International Criminal Court, 9 CHICAGO JOURNAL OF INTERNATIONAL LAW 499-514 (2009).

Constitutional Courts in East Asia: Understanding Variation, JOURNAL OF COMPARATIVE LAW 3(2): 80-100 (2008)(reprinted in CONSTITUTIONAL COURTS: A COMPARATIVE STUDY, edited by Andrew Harding and Peter Leyland, Wildy, Simmons and Hill Publishing, 2009)

The Effects of Liberalization on Litigation: Notes Toward a Theory in the Context of Japan, 8 WASH U. GLOBAL STUD. L. REV. 303-15 (2009).

Citizen as Founder: Public Participation in Constitutional Approval, 81 TEMPLE U. L. REV. 361-82 (2009) (published in Spanish in 1 RIVISTA LATINOAMERICA DE POLITICA COMPARADA 119-53 (2008).

Military Occupations and their Constitutional Residue, 19-2 APSA-CP Newsletter, 7-10 (2008).

The Comparative Law and Economics of Judicial Councils, 27(1) BERKELEY JOURNAL OF INTERNATIONAL LAW 53-83 (2008) (with Nuno Garoupa).

Administrative Law and the Judicial Control of Agents in Authoritarian Regimes, in RULE BY LAW: THE POLITICS OF COURTS IN AUTHORITARIAN REGIMES (edited by Tom Ginsburg and Tamir Moustafa, Cambridge University Press, 2008).

Introduction: The Politics of Courts in Authoritarian Regimes, in RULE BY LAW: THE POLITICS OF COURTS IN AUTHORITARIAN REGIMES (edited by Tom Ginsburg and Tamir Moustafa, Cambridge University Press, 2008) (co-authored with Tamir Moustafa).

The Judicialization of Administrative Governance: Causes, Consequences and Limits, in, ADMINISTRATIVE LAW AND GOVERNANCE IN ASIA: COMPARATIVE PERSPECTIVES 1-20 (edited by Tom Ginsburg and Albert Chen, Routledge University Press, 2009)

The Politics of Transparency in Japanese Administrative Law, in JAPANESE LAW IN TRANSITION (Daniel Foote, ed., University of Washington Press, 2008).

Symposium Introduction: Public International Law and Economics 2008 U. ILL. L. REV. 101-37 (2008) (with Anne van Aaken and Christoph Engel).

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Baghdad, Tokyo, Kabul: Constitution-making in Occupied States 49 WILLIAM AND MARY LAW REVIEW 1139-78 (2008) (with Zachary Elkins and James Melton).

The Global Spread of Judicial Review in OXFORD HANDBOOK OF LAW AND POLITICS (Keith Whittington and Daniel Keleman, eds., 2008).

Lessons for Democratic Transitions: Case Studies from Asia, ORBIS (Dec. 2007).

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Law and the Liberal Transformation of the Northeast Asian Legal Complex in Korea and Taiwan, in FIGHTING FOR POLITICAL FREEDOM: COMPARATIVE STUDIES OF THE LEGAL COMPLEX AND POLITICAL LIBERALISM 43- 63 (Terrence Halliday, Lucien Karpik and Malcolm Feeley, eds., Hart Publishing, 2007).

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Irrational War and Constitutional Design: A Reply to Professors Nzelibe and Yoo, 27 MICH. J. INT'L L. 1239-59 (2006) (with Paul Diehl) (excerpted in Thomas M. Franck, Michael J. Glennon and Sean Murphy, *Foreign Relations and National Security Law* (3d edition)).

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Democracy, Markets and Doomsaying: Review Essay on Amy Chua's World on Fire, 22 BERKELEY JOURNAL OF INTERNATIONAL LAW 310 (2004).

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When Courts and Politics Collide: Mongolia's Constitutional Crisis, 14 COLUMBIA JOURNAL OF ASIAN LAW 309 (Spring 2001) (with G. Ganzorig).

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In Defense of Japanese Law, in THE MULTIPLE WORLDS OF JAPANESE LAW, *supra*, reprinted in ZEITSCHRIFT FÜR JAPANISCHES RECHT, Heft 12, 2001.

Does Law Matter for Economic Development? Evidence from East Asia (Review Essay), 34: 3 LAW AND SOCIETY REVIEW 829-56 (2000) (translated into Chinese).

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Division of Powers in the European Union Constitution, in THE NEW PALGRAVE DICTIONARY OF LAW AND ECONOMICS (P. Newman, ed., 1998) (with Robert Cooter).

Comparing Judicial Discretion in Industrial Democracies, in EUROPEAN CONSTITUTIONAL LAW AND ECONOMICS, (K. Schmidtgen and R. Cooter, eds., 1997) (with Robert Cooter).

Constitutionalism and Human Rights in Mongolia in MONGOLIA IN TRANSITION (O. Bruun and O. Odgaard, eds.1996) (with G. Ganzorig).

Comparing Judicial Discretion: An Empirical Test of Economic Models, 16 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 295 (1996) (with Robert Cooter), reprinted in CONSTITUTIONAL POLITICAL ECONOMY (Stefan Voigt, ed., 2003).

Between Russia and China: Political Reform in Mongolia, 35 ASIAN SURVEY 459 (1995).

The Transformation of Legal Institutions in Mongolia 1990-1993, 12 ISSUES & STUDIES: A JOURNAL OF CHINESE AND INTERNATIONAL AFFAIRS 77 (1994.)

Book Reviews, Policy Papers, and other Publications:

Book Review: East Asian Regionalism from a Legal Perspective: Current Features and a Vision for the Future, edited by Tamio Nakamura, SOCIAL SCIENCE JAPAN JOURNAL (2010)

Book Review: Judicial System Transformation in the Globalizing World: Korea and Japan, 20:5 LAW AND POLITICS BOOK REVIEW 162-63 (May, 2010)

Book Review: Judges Beyond Politics in Democracy and Dictatorship: Lessons from Chile. By Lisa Hilbink. 43:2 LAW AND SOCIETY REVIEW __ (2009).

Book Review: The Meiji Constitution: The Japanese Experience of the West and the Shaping of the Modern State by Kazuhiro Takii, 34:2 JOURNAL OF JAPANESE STUDIES (2008).

Book Review: Courts and Social Transformation in New Democracies: An Institutional Voice for the Poor? 14 DEMOCRATIZATION 743 (2007)

Book Review: Law and Justice in Korea: North and South, by Chongko Choi, 30 JOURNAL OF KOREAN STUDIES 126-28 (2006).

Book Review: The Japanese Adversary System in Context: Controversies and Comparisons (edited by Malcolm M. Feeley and Setsuo Miyazawa), 30:2 JOURNAL OF JAPANESE STUDIES 572-78 (2004).

Book Review: Rethinking the Masters of Comparative Law (edited by Annelise Riles), 12:4 LAW AND POLITICS BOOK REVIEW 204 (2002) [available at [http://www.polsci.wvu.edu/lpbr/.](http://www.polsci.wvu.edu/lpbr/)]

The Law and Policy of Earthquake Hazard in the Central United States, University of Illinois Institute of Government and Public Affairs Working Paper #104, 2002 (with Timothy Stark).

Property Rights and Economic Development, lecture in TEACHING ABOUT JAPAN IN JAPAN (Richard Bowring and Noel J. Pinnington eds., Fukuoka: Kyushu University Press, 2001)

Book Review: East Meets West: Human Rights and Democracy in East Asia (by Daniel Bell), 10:10 LAW AND POLITICS BOOK REVIEW 577 (2000) [available at [http://www.polsci.wvu.edu/lpbr/.](http://www.polsci.wvu.edu/lpbr/)]

Iran-US Claims Tribunal: Case No. A27, 24a Y.B. INT'L COMMERCIAL ARBITRATION 512-14(1999).

Book Review: Modern Mongolia—A Concise History (by Ts. Batbayar), 28 JOURNAL OF CONTEMPORARY ASIA 572 (1998).

Deepening Democracy: Mongolia in 1997, 38 ASIAN SURVEY 64 (1998).

Book Review: Shaping Constitutional Values (by Neal Devins), 85 CALIFORNIA LAW REVIEW 749 (1997).

Fighting Fire and Ice: Mongolia in 1996, 37 ASIAN SURVEY 60 (1997).

In the Shadows of Giants: Small States in Asia, CENTER FOR ASIAN PACIFIC AFFAIRS, REPORT NO. 21 (1995.)

Mongolia's Draft Media Law, POST-SOVIET MEDIA LAW AND POLICY REPORT (Nov. 1994).

Editor, SEEDS OF PEACE, by Sulak Sivaraksa (1992).

A Colder Peace? Issues in the U.S.-Japan Security Relationship, in R. Scalapino, S. Sato, and T. Ginsburg: THE FUTURE OF THE U.S.-JAPAN SECURITY ALLIANCE (1991).

Buddhism and Revolution in Southeast Asia, UNDERGRADUATE JOURNAL OF ASIAN STUDIES (1989).