

Thomas B. Ginsburg

Leo Spitz Professor of International Law and Professor of Political Science
Ludwig and Hilde Wolf Research Scholar
University of Chicago Law School
1111 E. 60th St., Chicago IL 60637
(217)766-5864
E-mail : tginsburg@uchicago.edu

Education:

University of California at Berkeley:

B.A., Asian Studies, 1989

J.D., 1997

Ph.D., Jurisprudence and Social Policy, 1999

Work History:

University of Chicago Law School, Professor, 2008-2011; Leo Spitz Professor 2011- ;
Deputy Dean 2014-2016

Research Professor, American Bar Foundation, 2011-

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

Selected Other Professional Activities:

Director, [Comparative Constitutions Project](#), 2007-

Senior Advisor, Constitution-Building Program, International IDEA, 2013-

Tunisian Presidential Committee for International Constitutional Court, 2012-14.

Awards and Honors:

Constitute Project: American Library Association Best Free Reference Websites for 2015; Tribeca Disruptive Innovation Award for a top “disruptive innovations”, 2014; Nominet Trust 100 Social Technology Project, 2013.

Fulbright Award, University of Trento, Italy 2014.

Best Dataset Award, American Political Science Association Section on Comparative Democratization (Comparative Constitutions Project), 2013

Fellow, American Academy of Arts and Sciences, from 2013

Honorable Mention, William A. Riker Book Award, American Political Science Association, 2011

Best Book Award, American Political Science Association Section on Comparative Democratization, 2010

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

C. Herman Pritchett Award, American Political Science Association, for Best Book on Law and Courts, 2004

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

Visiting Professorships: Tel Aviv University, 2014; Seoul National University, July 2008; University of Pennsylvania Law School 2007; Interdisciplinary Centre Herzliya (Israel), 2005, 2010; University of Tokyo Law School, 2004, 2008, 2013; Kyushu University, 2002, 2004, 2006; University of Trento, Italy, May 2002 and 2003, and Spring 2014.

Editorial and Governance Boards:

Cambridge University Press, Co-editor, *Comparative Constitutional Law and Policy*
Edward Elgar Publishers, General Editor for series on Comparative Law
American Journal of International Law;

American Journal of Comparative Law, Executive Editorial Board;
Asian Journal of Law and Society;
International Journal of Constitutional Law, Scientific Advisory Board;
Journal of Korean Law;
Law and Society Review, 2011-2014;
Constitutional Political Economy;
Law and History Review 2012-2017.
National Taiwan University Law Review;
European-Asian Journal of Law and Governance (Bangkok);
Revista Politca y Gobierno (Mexico)
Man and the Economy
Review of Constitutionalism and Constitutional Change

International Association for Constitutional Law, Executive Committee 2014-
Indiana University, External Advisory Board for the Ostrom Workshop, 2015-
KoGuan Law School, Shanghai Jiaotong University, Advisory Board;
Law and Society Association, Trustee, 2011-14
Center for Advanced Study in the Behavioral Sciences, Stanford University, Academic
Advisory Committee, 2013-2016
World Justice Project, Chair, Scholars' Group, 2014-

Thomas B. Ginsburg
Publications List
as of Dec 1, 2018

Authored Books:

- 2020 DEMOCRACIES AND INTERNATIONAL LAW: THE TRIALS OF LIBERALISM (Cambridge University Press, forthcoming).
- 2018 HOW TO SAVE A CONSTITUTIONAL DEMOCRACY (UNIVERSITY OF CHICAGO PRESS, 2018) (with Aziz Huq).
- 2015 JUDICIAL REPUTATION: A COMPARATIVE THEORY (UNIVERSITY OF CHICAGO PRESS, 2015) (with Nuno Garoupa).
- 2009 THE ENDURANCE OF NATIONAL CONSTITUTIONS (CAMBRIDGE UNIVERSITY PRESS, 2009) (with Zachary Elkins and James Melton).
- 2003 JUDICIAL REVIEW IN NEW DEMOCRACIES: CONSTITUTIONAL COURTS IN EAST ASIA (CAMBRIDGE UNIVERSITY PRESS, 2003).

Edited Books:

- 2019 TRANSNATIONAL LEGAL ORDER AND CONSTITUTIONS (CAMBRIDGE UNIVERSITY PRESS) (with Gregory Shaffer and Terence C. Halliday).
- 2017 COMPARATIVE CONSTITUTIONAL LAW IN LATIN AMERICA (Edward Elgar, 2017) (edited with Rosalind Dixon).
- 2016 CONSTITUTION-MAKING (EDWARD ELGAR, 2016) (with Sujit Choudhry).
- ASSESSING CONSTITUTIONAL PERFORMANCE (CAMBRIDGE UNIVERSITY PRESS, 2016) (with Aziz Huq).
- 2014 CLASSICS IN COMPARATIVE LAW (EDWARD ELGAR PRESS, 4 Vols., 2014) (with Giuseppe Montateri and Francesco Parisi).
- CONSTITUTIONS IN AUTHORITARIAN REGIMES (CAMBRIDGE UNIVERSITY PRESS, 2014) (with Alberto Simpser).
- LAW AND DEVELOPMENT IN MIDDLE INCOME COUNTRIES (CAMBRIDGE UNIVERSITY PRESS, 2014) (with Randall Peerenboom).
- COMPARATIVE CONSTITUTIONAL LAW IN ASIA (EDWARD ELGAR PUBLISHING, 2014) (with

Rosalind Dixon).

2013 PUBLIC LAW IN EAST ASIA (ASHGATE PUBLISHING, LIBRARY OF ESSAYS ON LAW IN ASIA, 2013) (with Albert H.Y. Chen).

INTERNATIONAL COMMERCIAL ARBITRATION IN ASIA (JURIS PUBLISHING, 2002; 2ND ED. 2005; 3RD ED. 2013) (with Philip J. McConaughay and Shahla Ali).

THE JAPANESE LEGAL SYSTEM: AN ERA OF TRANSITION (ROBBINS COLLECTION, 2013) (WITH HARRY SCHEIBER).

2012 COMPARATIVE CONSTITUTIONAL DESIGN (CAMBRIDGE UNIVERSITY PRESS, 2012).

2011 COMPARATIVE CONSTITUTIONAL LAW (EDWARD ELGAR PUBLISHING, 2011) (with Rosalind Dixon).

2009 ADMINISTRATIVE LAW AND GOVERNANCE IN ASIA: COMPARATIVE PERSPECTIVES (ROUTLEDGE PRESS, 2009) (with Albert Chen).

2008 RULE BY LAW: THE POLITICS OF COURTS IN AUTHORITARIAN REGIMES (CAMBRIDGE UNIVERSITY PRESS, 2008) (with Tamir Moustafa).

2005 INSTITUTIONS AND PUBLIC LAW: COMPARATIVE APPROACHES (PETER LANG PUBLISHING, 2005) (with Robert A. Kagan).

2004 LEGAL REFORM IN KOREA (ROUTLEDGE PUBLISHING, 2004).

2001 THE MULTIPLE WORLDS OF JAPANESE LAW (UNIVERSITY OF VICTORIA CENTER FOR ASIA PACIFIC INITIATIVES, 2001) (with Luke Nottage and Hiroo Sono).

1992 SEEDS OF PEACE: A BUDDHIST VISION FOR RENEWING SOCIETY, by Sulak Sivaraksa (1992).

Accepted and Published Articles and Book Chapters:

Avoiding Rights: The Constitutional Court of Mongolia. In Albert Chen and Andrew Harding, eds., CONSTITUTIONAL COURTS IN ASIA 168-83 (with Ch. Enkhbaatar).

Democracy's Near Misses, 29 JOURNAL OF DEMOCRACY 16-30 (Oct. 2018) (with Aziz Z. Huq).

Defining and Tracking the Trajectory of Liberal Constitutional Democracy, in CONSTITUTIONAL DEMOCRACY IN CRISIS (Oxford University Press, 2018) (with Aziz Z. Huq).

- Constitutional Epistemology*, in David S. Law and Malcolm Langford, eds.,
RESEARCH METHODS IN CONSTITUTIONAL LAW: A HANDBOOK (Edward Elgar, 2019)
- Difficulties in Measuring the Rule of Law*, in Christopher May and Adam
Winchester, eds. HANDBOOK OF THE RULE OF LAW (Edward Elgar, 2019) pp. 48-56.
- Survey of Presidential Term Limits*, in Alexander Baturo and Robert Elgie, eds.,
THE POLITICS OF PRESIDENTIAL TERM LIMITS, (Oxford University Press, 2018) (with
Zachary Elkins).
- Foreign Relations Law: A National Constitutions Perspective*, in Curtis Bradley, ed.
OXFORD HANDBOOK OF FOREIGN RELATIONS LAW (Oxford 2019).
- 2018 *Freedom of Speech Abroad: The State of Play*, in Lee C. Bollinger and Geoffrey R.
Stone, eds., THE FIRST AMENDMENT CENTURY 193-210 (Oxford University Press).
-
- The Coming Decline of Liberal Constitutionalism*, University of Chicago Law
Review 85: 239-55 (2018) (with Aziz Huq and Mila Versteeg).
- Constitutional Drafting in Latin America: A Quantitative Perspective*, in
CONSTITUTIONALISM IN THE AMERICAS (Colin Crawford and Daniel Bonilla Maldonado,
eds, Edward Elgar, 2018) (with David Law) (reprinted from *El constitucionalismo
en el continente americano*, Daniel Bonilla ed., Siglo del Hombre Editores 2015).
- How We Lost Constitutional Democracy*, in Cass Sunstein, ed. CAN IT HAPPEN HERE?
AUTHORITARIANISM IN AMERICA 135-56 (HarperCollins 2018) (with Aziz Huq).
- Constitutional Knowledge*, KNOW: A JOURNAL ON THE FORMATION OF KNOWLEDGE 15-29
(Spring 2018).
- Objections to Reservations: A Decentralized Approach to Treaty Interpretation*, in
COMPARATIVE INTERNATIONAL LAW (Anthea Roberts, et al. Oxford University Press).
- The Rule of Law and Democratic Governance in East Asia*, in ROUTLEDGE HANDBOOK
OF EAST ASIAN DEMOCRATIZATION (Tun-jen Chang and Yun-han Chu, eds., New York:
Routledge, 2018) 377-88.
- The Cultural Evolution of National Constitutions*, JOURNAL OF THE ASSOCIATION FOR
INFORMATION SCIENCE AND TECHNOLOGY 69(3): 483–494 (2018) (with Daniel
Rockmore, David Krakauer, and Chen Fang).
- 2017 *The Forms and Limits of Constitutions as Political Insurance*, INTERNATIONAL
JOURNAL OF CONSTITUTIONAL LAW 15: 988-1012 (2017) (with Rosalind Dixon).

Constitutional Advice and Transnational Legal Order, UC IRVINE JOURNAL OF TRANSNATIONAL LAW 2: 5-32 (2017).

Constitutions and Foreign Relations Law: The Dynamics of Substitutes and Complements, AMERICAN JOURNAL OF INTERNATIONAL LAW UNBOUND 111:326-30 (2017)

Turampu Seiken to Amerika Kenpo[The Trump Administration and America's Constitution]トランプ政権とアメリカ憲法：初期のレポート, AMERIKA HŌ

When Courts Compete: A Reputational Perspective, in *Human Rights in the Contemporary World: Essays in Honour of Professor Leszek Garlicki* 61-71 (Warsaw: Wydawnictwo Sejmowe, 2017)

The Design of Constitutions, in OXFORD HANDBOOK OF LAW & ECONOMICS 28-37 (Francesco Parisi, ed., 2017)

The Scholar as Reformer, in *THE LEGAL PROCESS IN CONTEMPORARY JAPAN: A FESTCHRIFT IN HONOR OF PROFESSOR SETSUO MIYAZAWA'S 70TH BIRTHDAY* 583-92 (Tokyo: Shinzansha).

The Concepts of Law, 84 UNIVERSITY OF CHICAGO LAW REVIEW 147-76 (2017) (with Nicholas Stephanopoulos).

Constitutional Correlates of the Rule of Law, in *CONSTITUTIONALISM AND RULE OF LAW – BRIDGING IDEALISM AND REALISM* (Maurice Adams and Anne Meuwese, eds., Cambridge University Press, 2017) pp. 506-25 (with Mila Versteeg).

The Universal Declaration of Human Rights as a Constitutional Model, in *HUMAN RIGHTS OF BY AND FOR THE PEOPLE: HOW TO CRITIQUE AND CHANGE THE US CONSTITUTION* (Keri E. Iyall Smith, Louis Edgar Esparza and Judith R. Blau, eds., Routledge 2017) 174-85 (with Zachary Elkins and James Melton).

Playing for Constitutional Time: Interim Constitutions & Transitional Provisions, in *Saul Levmore and Frank Fagan, eds., THE TIMING OF LAWMAKING* PP. 110-29 (Edward Elgar) (with Eric Alston).

2016 *The Interaction of Domestic and International Law*, in *ECONOMIC ANALYSIS OF INTERNATIONAL LAW* (Eugene Kontorovich and Francesco Parisi, eds; Edward Elgar, 2016) pp. 204-20.

Special Economic Zones: A Constitutional Political Economy Perspective. Pp. 119-29 in *SPECIAL ECONOMIC ZONES: EXPERIMENTS IN LOCAL DEREGULATION*, Ed. by Jürgen

Basedow and Toshiyuki Kono. Tübingen: Mohr Siebeck.

How to Study Constitution-Making: Hirschl, Elster and the Seventh Inning Problem, 96 BOSTON U. L. REV. 1347-1358 (July 2016)

On the Influence of Magna Carta and Other Cultural Relics, INTERNATIONAL REVIEW OF LAW AND ECONOMICS (2016) (with James Melton and Zachary Elkins).

The Assault on Postcommunist Courts, JOURNAL OF DEMOCRACY 27(3): 69-82. (2016) (with Bojan Bugarcic)

Measuring the Rule of Law: A Comparison of Indicators, LAW AND SOCIAL INQUIRY 42: 100-37 doi: 10.1111/lsi.12175 (2016) (with Mila Versteeg) [followed by online Forum response *Measuring the Rule of Law: Pushing Forward*, 2 LSI FORUM 10-12 (2016) & excerpted in Cambridge Companion to the Rule of Law, edited by Martin Loughlin and Jens Meierhenrich, 2019].

Setting an Agenda for the Socio-Legal Study of Contemporary Buddhism, ASIAN JOURNAL OF LAW AND SOCIETY 3:1-16 (introduction to special issue, co-edited with Benjamin Schonthal).

El Factor "Inclusion" en el Proceso Constituyente: Lecciones de la Experiencia Comparada, in CAMBIO CONSTITUCIONAL EN DEMOCRACIA (Santiago: Ministerio de Secretaria del Presidencia, Republica de Chile) 55-59.

Constitutional Drafting in Latin America: A Quantitative Perspective, translated into Spanish for *El constitucionalismo en el continente americano*, Daniel Bonilla ed., Siglo del Hombre Editores (2015) (with David Law).

2015 *Constitutions as Political Institutions*. In Handbook of Comparative Political Institutions, edited by Jennifer Gandhi and Rubén Ruiz-Rufino. Abingdon, UK: Routledge

Does the constitutional amendment rule matter at all?: Amendment Cultures and the Challenge of Measuring Amendment Difficulty. INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 13:686-713 (with James Melton).

Foreword: Asia's Changing Legal and Judicial Landscape, in EAST ASIA'S RENEWED RESPECT FOR THE RULE OF LAW IN THE 21ST CENTURY: THE FUTURE OF LEGAL AND JUDICIAL LANDSCAPES IN EAST ASIA, Setsuo Miyazawa, Weidong Ji, Hiroshi Fukurai, Kay-Wah Chan & Matthias Vanhullebusch eds. (Brill, 2015).

Korea and the Reform of the Northeast Asian Legal Complex, in THE SPIRIT OF KOREAN LAW: KOREAN LEGAL HISTORY IN CONTEXT, Marie Kim ed. (Brill, 2015).

- Introducción*, en *EL ROL DE LA SUPREMA CORTE EN LA CONSOLIDACIÓN DEMOCRÁTICA EN MÉXICO* (edited by Maria Andrea Castagnola and Saul Lopez Noriega). Mexico City (Spanish) (translated as *JUDICIAL POLITICS IN MEXICO: THE SUPREME COURT AND THE TRANSITION TO DEMOCRACY*, Routledge, 2016).
- Constitutional Interpretation in Law-Making: China's Invisible Constitutional Enforcement Mechanism*, 63 *AMERICAN JOURNAL OF COMPARATIVE LAW* 467-92 (2015) (with Yan Lin).
- 2014 *The Teaching/ Research Trade-Off in Law: Data From the Right Tail*, 39(1) *EVALUATION REVIEW* 46-81 (2014) (with Thomas J. Miles).
- [Dis-]Informing the People's Discretion: Judicial Deference Under the National Security Exemption of the Freedom of Information Act*, 66(4) *ADMINISTRATIVE LAW REVIEW* 725-84 (2014) (with Susan Nevelow Mart).
- Stjórnarskrágerd á Tímum Gagnæis: Ísland í Samanburði Vid Önnur Lönd*, in *LÝÐRÆÐISTILRAUNIR. ÍSLAND Í HRUNI OG ENDURREISN* 57-74 (Jón Ólafsson, ed., 2014) (with Zachary Elkins) (Icelandic).
- Fordelene Ved Evolusjon I En Revolusjonær Tidsalder: Norges varige grunnlov I et komparativt perspektiv*, 31 *NYTT NORSK TIDSSKRIFT* 3: 225-237 (2014) (Norwegian).
- Constitute: The World's Constitutions to Read, Search and Compare*, *WEB SEMANTICS* (September 2014) (with Zachary Elkins, James Melton, Robert Shaffer, Juan F. Sequeda and Daniel Miranker).
- Does De Jure Judicial Independence Really Matter? A Reevaluation of Explanations for Judicial Independence*, *JOURNAL OF LAW AND COURTS* 2: 187-217 (Fall 2014) (with James Melton).
- Constitutional Islamization and Human Rights: The Surprising Origin and Spread of Islamic Supremacy in Constitutions*, *VIRGINIA JOURNAL OF INTERNATIONAL LAW* (2014) (with Dawood Ahmed).
- We the Peoples: The Global Origins of Constitutional Preambles*, 46 *GEORGE WASHINGTON INTERNATIONAL LAW REVIEW* 305-40 (2014) (with Daniel Rockmore and Nick Foti) (translated into Spanish in *REVISTA DEL CULTURA POLITICA*).
- What Can Constitutions Do?: The Afghan Case*, 24 *JOURNAL OF DEMOCRACY* 116 (2014) (with Aziz Huq).
- Chaining the Dogs of War: Comparative Data*, *CHICAGO JOURNAL OF INTERNATIONAL LAW* 15: 138-62 (2014).

- Fruto de la parra envenenada? Algunas observaciones comparadas sobre law Constitución chilena (Fruit of the Poisoned Vine? Some Comparative Observations on Chile's Constitution)*, Estudios Políticos 133: 1-36 (2014) (in Spanish).
- Property Rights and Economic Development in Northeast Asia*, in Festschrift zu Ehren von Christian Kirchner: Recht im ökonomischen Kontext 785-98 (Wulf A. Kaal, Matthias Schmidt und Andreas Schwartz, eds., Mohr Siebeck Tübingen, 2014).
- Introduction*, in COMPARATIVE CONSTITUTIONAL LAW IN ASIA 1-22 (Edward Elgar Publishing, 2014) (with Rosalind Dixon).
- Participation in Constitutional Design: Asian Exceptionalism*, in COMPARATIVE CONSTITUTIONAL LAW IN ASIA 23-46 (Edward Elgar Publishing, 2014) (with Justin Blount).
- Constitutional Courts in Asia*, in COMPARATIVE CONSTITUTIONAL LAW IN ASIA 47-79 (Edward Elgar Publishing, 2014).
- East Asian Constitutionalism in Comparative Perspective*, in, CONSTITUTIONALISM IN ASIA IN THE EARLY 21ST CENTURY 32-51 (Albert H. Y. Chen, ed., 2014).
- Libertarian Paternalism, Path Dependence, and Temporary Law*, 81 UNIVERSITY OF CHICAGO LAW REVIEW 291-359 (2014) (with Jonathan Masur and Richard McAdams).
- The Politics of Law and Development in Middle-Income Countries*, in LAW AND DEVELOPMENT IN MIDDLE INCOME COUNTRIES (Cambridge University Press, 2014) (with Randall Peerenboom).
- 2013 *An Epidemiological Analysis of Constitutional Mortality*, in LAW AND POLITICS: CRITICAL CONCEPTS IN POLITICAL SCIENCE V. 4, COMPARATIVE AND INTERNATIONAL ISSUES (Routledge) (with Zachary Elkins and James Melton).
- The Politics of Courts in Democratization: Four Junctures in Asia* in CONSEQUENTIAL COURTS: JUDICIAL ROLES IN GLOBAL PERSPECTIVE (Cambridge University Press, 2013).
- Constitutions as Contract, Constitutions as Charter*, in SOCIAL AND POLITICAL FOUNDATIONS OF CONSTITUTIONS (Cambridge University Press, 2013).
- Introduction: Constitutions in Authoritarian Regimes*, in CONSTITUTIONS IN AUTHORITARIAN REGIMES (Cambridge University Press, 2013) (with Alberto Simpser).

- The Content of Authoritarian Constitutions*, in CONSTITUTIONS IN AUTHORITARIAN REGIMES (Cambridge University Press, 2013) (with Zachary Elkins and James Melton).
- Political Constraints on International Courts*, in OXFORD HANDBOOK OF INTERNATIONAL ADJUDICATION (Karen Alter, Cesare Romano and Yuval Shany, eds., 2013).
- Judicial Roles in Nonjudicial Functions*, 12 WASH. U. GLOBAL STUDIES L. REV. 755-82 (2013) (with Nuno Garoupa).
- Why Do Countries Adopt Constitutional Review?* JOURNAL OF LAW, ECONOMICS AND ORGANIZATION (2013); doi: 10.1093/jleo/ewt008 (with Mila Versteeg).
- Beyond Presidentialism and Parliamentarism*, BRITISH J. POLITICAL SCIENCE 43: 513-44 (2014) (with Jose Cheibub and Zachary Elkins).
- The South African Constitutional Court and Socio-economic Rights as 'Insurance Swaps'*, 11 SOUTH AFRICA CONSTITUTIONAL COURT REVIEW 1 (2011), reprinted in COASE-SANDOR INSTITUTE FOR LAW AND ECONOMICS WORKING PAPER, NO. 650 (2013) & reprinted in PUBLIC LAW & LEGAL THEORY WORKING PAPERS, NO. 436 (2013).
- When to Overthrow your Government: The Right to Resist in the World's Constitutions*, 60 UCLA LAW REVIEW 1184-1260 (2013) (with Daniel Lansberg-Rodriguez and Mila Versteeg).
- On the Interpretability of Law: Lessons from the Decoding of National Constitutions*, 43 BRITISH J. POLITICAL SCIENCE 399-243 (2013) (with James Melton, Zachary Elkins and Kalev Leetaru).
- Getting to Rights: Treaty Ratification, Constitutional Convergence, and Human Rights Practice*, 51(4) Harvard Journal of International Law 201-34 (2013), followed by online symposium response *Getting to the Right Answers on Rights* (<http://opiniojuris.org/2013/03/06/hilj-symposium-getting-to-the-right-answers-about-rights>) (with Zachary Elkins and Beth Simmons).
- The Judicialization of Japanese Politics?* in THE JAPANESE LEGAL SYSTEM: AN ERA OF TRANSITION, (Tom Ginsburg and Harry Scheiber, eds., Berkeley: Robbins Collection Publishers, 2013) (with Tokujin Matsudaira).
- 2012 *Still the Land of Presidentialism? Executives and the Latin American Constitution*, in Detlef Nolte and Almut Schilling-Vacaflor, eds. NEW CONSTITUTIONALISM IN LATIN AMERICA: PROMISES AND PRACTICES 73-99 (Ashgate, 2012) (with Zachary Elkins and Jose Cheibub).

- Comments on Law And Versteeg's the Declining Influence of the United States Constitution*, 87 N.Y.U. L. Rev. 2088 (2012) (with Zachary Elkins and James Melton).
- Constitutionalism: East Asian Antecedents*, 88 CHI-KENT L. REV. 11-33 (2012).
- Courts and Democracies: Recent Works*, 37 LAW AND SOCIAL INQUIRY 720-42 (2012).
- Constitutional Law and Courts*, in RESEARCH HANDBOOK ON COMPARATIVE LAW AND SOCIETY, (David Clark, ed., Edward Elgar Publishing 2012).
- The Judicialization of Japanese Politics*, in Bjoern Dressel, ed., THE JUDICIALIZATION OF POLITICS IN ASIA 17-36 (Routledge 2012).
- The Empirical Turn in International Legal Scholarship*, 106 AMERICAN JOURNAL OF INTERNATIONAL LAW 1-46 (2012) (with Gregory Shaffer).
- Lawrence M. Friedman's Comparative Law, with Notes on Japan*, 5:2 JOURNAL OF COMPARATIVE LAW 92-103 (2010, appearing 2012), reprinted in USING LEGAL CULTURE (David Nelken, ed., Wiley, Simmonds and Hill, 2012).
- 2011 *An Economic Analysis of the Pashtunwali*, U. CHICAGO LEGAL FORUM 89 (2011) (translated into Dari in 2 YEARBOOK OF AFGHAN LEGAL STUDIES (1395 / 2016))
- Building Reputation In Constitutional Courts: Political And Judicial Audiences*, 28 ARIZONA J. INT'L AND COMP. L 539-68 (2011) (with Nuno Garoupa).
- Deciding Not to Decide: Deferral in Constitutional Design*, 9 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 636-72 (2012) (with Rosalind Dixon).
- Hybrid Judicial Career Structures: Reputation vs. Legal Tradition* 3 J. LEGAL ANALYSIS 1-38 (2012) (with Nuno Garoupa).
- The Future of National Constitutions in a Global World*, in THE LAW OF THE FUTURE AND THE FUTURE OF LAW (Sam Muller, et al., eds., Torkel Opsahl Academic Publishers, 2011).
- Pitfalls of Measuring the Rule of Law*, 3 HAGUE J. RULE OF LAW 269-80 (2011).
- Empiricism and the Rising Incidence of Co-authorship in Law*, 2011 U. ILL. L. REV. 101-41 (2011) (with Thomas Miles).
- Constitutional Endurance*, in COMPARATIVE CONSTITUTIONAL LAW (Edward Elgar

Publishing, 2011).

In Defense of Imperialism: The Rule of Law and the State-Building Project, in NOMOS: GETTING TO THE RULE OF LAW (James Fleming, ed., 2011).

Latin American Presidentialism in Comparative and Historical Perspective, 89 TEXAS L. REV. 1707-31 (2011) (with Jose Cheibub and Zachary Elkins).

The Politics of Courts in Democratization, in GLOBAL PERSPECTIVES ON THE RULE OF LAW (James J. Heckman, Robert L. Nelson and Lee Cabatingan, eds., 2011).

Reputation, Information and the Organization of the Judiciary, 4:2 JOURNAL OF COMPARATIVE LAW 226-54 (2011) (with Nuno Garoupa).

On the Evasion of Executive Term Limits, 52 WM AND MARY L. REV. 1807-72 (2011) (with James Melton and Zachary Elkins).

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The Politics of Constitutional Courts: Four Moments in Asia, Proceedings of Thammasat University Conference on Law in a Changing World, 2011.

Constitutional Specificity: Some Preliminary Investigations in FUTURE OF COMPARATIVE STUDY OF LAW (Chuo University Press, 2011).

2010 *Eastphalia and East Asian Regionalism*, 44 U.C. DAVIS L. REV. 859-77 (2010).

Written Constitutions and the Administrative State: On the Constitutional Character of Administrative Law, in COMPARATIVE ADMINISTRATIVE LAW 117-27 (Susan Rose-Ackerman and Peter Lindseth, eds., Edward Elgar, 2010) (translated into Spanish as *Constituciones escritas y el Estado administrativo: El caracter constitucional del derecho administrativo* in PERSPECTIVAS COMPARADAS DE LA JUSTICIA ADMINISTRATIVA, Mexico City: CIDE, 2017).

Constitutional Specificity, Unwritten Understandings and Constitutional Agreement, pp 66-93 in CONSTITUTIONAL TOPOGRAPHY: VALUES AND CONSTITUTIONS (Andras Sajó and Renata Utz, eds., 2010).

How Does International Law Work? In OXFORD HANDBOOK OF EMPIRICAL LEGAL RESEARCH 753 -82 (Peter Cane and Herbert Kritzer, eds., 2010) (with Gregory Shaffer).

- Subconstitutionalism*, 62 STANFORD L. REV. 1583 (2010) (with Eric Posner).
- 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 (Daniel Farber and Anne Joseph O'Connell, eds., Edward Elgar Publishing, 2010).
- The Arbitrator as Agent: Why Deferential Review is not Always Pro-Arbitration*, 77 U. CHICAGO L. REV. 1013-26 (2010) [translated into Chinese and published in 123 ARBITRATION AND LAW 86-103, CIETAC, 2012).
- Eastphalia as a Return to Westphalia*, 17 INDIANA J. GLOBAL LEG. STUDIES 27-45 (2010).
- Judicial Independence in East Asia: Implications for China*, in JUDICIAL INDEPENDENCE IN CHINA (Randall Peerenboom, ed., Cambridge University Press, 2010).
- 2009 *Economic Analysis and Comparative Law*, in CAMBRIDGE COMPANION TO COMPARATIVE LAW (Mauro Bussani, ed., 2009) (with Nuno Garoupa).
- Judicial Audiences and Reputation: Perspectives from Comparative Law* 47 COLUM. J. TRANSNAT'L L. 451-90 (2009) (with Nuno Garoupa).
- The Constitutional Court and the Judicialization of Korean Politics*, in NEW COURTS IN ASIA (Andrew Harding, et al eds., Routledge 2009), reprinted in PUBLIC LAW IN EAST ASIA (Ashgate Publishing Limited, 2013).
- The Relationship between Constitutional and International Devices to Protect Minority Rights*, JOURNAL OF THE CENTER FOR MINORITY STUDIES, KANSAI UNIVERSITY (2009).
- Ancillary Powers of Constitutional Courts*, 87(7) TEXAS L. REV. 1432-61 (2009) (with Zachary Elkins).
- Constitutional Afterlife: The Continuing Impact of Thailand's Post-Political Constitution*, 7(1) INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 83-105 (2009), reprinted in PUBLIC LAW IN EAST ASIA (Ashgate Publishing Limited, 2013).
- 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).
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