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University of Pennsylvania Law School

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EMPLOYMENT:

Stephen A. Cozen Professor, 2006-, Professor 1999- 2006, Assistant Professor, 1994-99,
University of Pennsylvania Law School
Professor of Political Science, 2010-
Director, Center for East Asian Studies, University of Pennsylvania, 2009-, Member of
CEAS Faculty, 1996-

Research Interests: Law and politics of China, legal reform in China, law and economic and political change in China, China and international law, international status of Taiwan, cross-Strait and Mainland-Hong Kong relations, comparative and international law, U.S. foreign relations and law

Courses:

Chinese Law; Law and Economic Reform in Contemporary China (seminar); China and International Law (seminar); Public International Law; Torts; Separation of Powers International Law and International Relations (Lauder M.B.A.-M.A. Program, University of Pennsylvania)
China in an Era of Transition, Reform and Globalization (Organizational Dynamics Program, University of Pennsylvania)
The Government and Politics of the PRC; External Politics of the PRC (at Universidad de Aveiro, Portugal)
China and International Law (National University of Singapore)
The Common Law of Civil Obligations; The U.S. Structural Constitution (Waseda University, Tokyo)

Visiting Professor, Universidad de Aveiro (Portugal, short-term visitor, 1999-2002), National University of Singapore (summer 2004), Waseda University (Tokyo, summer 2007)

Director, Asia Program, Foreign Policy Research Institute, 2002-, Senior Fellow, 1999-

Attorney-Adviser, Office of Legal Counsel, United States Department of Justice, 1992-94

Law Clerk to Stephen G. Breyer, United States Court of Appeals for the First Circuit, 1991-92

EDUCATION:

Harvard Law School, J.D. *magna cum laude*, 1990

Harvard Graduate School of Arts and Sciences, Department of Government, Ph.D. program (ABD)

Princeton University, A.B. *summa cum laude*, Phi Beta Kappa, 1982
Major: Woodrow Wilson School of Public and International Affairs

PUBLICATIONS:

A Common Law-like Civil Law and a Public Face for Private Law: China's Tort Law in Comparative Perspective (forthcoming in conference volume 2011)

Lex Americana in Reverse?—How Chinese Law is Beginning to Enter U.S. Law (forthcoming in conference volume 2011)

Law and China's Development Model in IN SEARCH OF CHINA'S DEVELOPMENT MODEL: BEYOND THE BEIJING CONSENSUS (Philip Hsu, Yushan Wu and Suisheng Zhao, eds. forthcoming 2011)

Soft Power in a Hard Place: China, Taiwan, Cross-Strait Competition and U.S. Policy ORBIS VOL. 53 NO. 3, 493-524 (2010)

Security First?: Lessons from the Roles of Law in Addressing Crises(?) in China 4 JOURNAL OF NATIONAL SECURITY LAW & POLICY 397-436 (2010)

Consumer Protection in Transnational Contexts (U.S. Law) 58 AMERICAN JOURNAL OF COMPARATIVE LAW (SUPP.) 135-164 (with E. Trujillo) (2010), alternative version in CONSUMER PROTECTION IN INTERNATIONAL PRIVATE RELATIONSHIPS 509-546 (Diego P. Frenando Arroyo ed. 2010)

Exceptional Powers in an Exceptional State: Emergency Powers Law in China in EMERGENCY POWERS LAW IN ASIA 342-390 (Victor V. Ramraj and Arun K. Thiruvengadam, eds. 2010)

The Other China Trade Deficit: Export Safety Problems and Responses in IMPORT SAFETY: REGULATORY GOVERNANCE IN THE GLOBAL ECONOMY 22-49 (Cary Coglianese, David Zaring, and Adam Finkel, eds. 2010)

After the Gold Rush: The Beijing Olympics and China's Evolving International Roles, ORBIS vol. 52, no. 3 179-204 (2009)

- Development without Democratization? China, Law and the East Asian Model* in
DEMOCRATIZATIONS: COMPARISONS, CONFRONTATIONS AND CONTRASTS 197-232 (Jose
V. Cipurut, ed. 2009)
- Vicious Cycles and Virtuous Circles: International Contexts, Taiwanese Democracy and
Cross-Strait Relations* in CROSS-STRAIT AT THE TURNING POINT 373-424 (I Yuan, ed.
2009)
- International Contexts and Domestic Pushback* in DEMOCRATIZATION IN GREATER CHINA 185-
211 (Larry Diamond and Bruce Gilley, eds. 2008)
- 'One World, Different Dreams': Assessing the Struggle to Define the Beijing Olympics* in
OWNING THE OLYMPICS: NARRATIVES OF THE NEW CHINA 17-66 (Monroe E. Price and
Daniel Dayan, eds., 2008)
- Legalization without Democratization in China Under Hu Jintao* in CHINA'S CHANGING
POLITICAL LANDSCAPE: PROSPECTS FOR DEMOCRACY 185-211 (Cheng Li, ed. 2008)
- Traps, Gaps and Law: Prospects and Challenges for China's Reforms* in IS CHINA TRAPPED IN
TRANSITION? IMPLICATIONS FOR FUTURE REFORMS (Oxford Foundation for Law, Justice
and Society, 2007)
- Legislating the Cross-Strait Status Quo?: China's Anti-Secession Law, Taiwan's Constitutional
Reform, and the U.S.'s Taiwan Relations Act* in POWER AND PRINCIPLE: US, CHINA AND
TAIWAN TRIANGULAR RELATIONS 101-138 (Peter Chow, ed. 2007)
- Eroding, Not Attacking, the "One China Policy": Participating in International Regimes without
State Membership, Choosing Symbolic Struggles with Substantive Content, and Getting
Help from U.S. Law* in BEYOND THE ONE CHINA POLICY 111-145 (John Tkacik, Jr., ed.
2007)
- Free Trade Areas in East Asia: Legal and Economic Liberalism and the Interest-Based Politics
of U.S., PRC and Taiwan Participation* in FREE TRADE AND EAST ASIA (Jacques
deLisle, ed., Foreign Policy Research Institute, 2007)
- Pressing Engagement: Uneven Human Rights Progress in China, Modest Successes of American
Policy, and the Absence of Better Options* (Carnegie Endowment for International Peace,
"China Debates" series, 2007)
- Navigating a Dangerous Strait: Assessing Responsibility, Defining Interests and Prescribing
Tactics in Relations Among Taiwan, China and the International Community* TAIWAN
JOURNAL OF DEMOCRACY vol. 2, no. 1 123-130(review essay 2006)
- China under Hu Jintao: Introduction* (co-author) and *China and the WTO: Evolving Agendas of*

- Economic Openness, Domestic Reform and Challenges of the Post-Accession Era in CHINA UNDER HU JINTAO: OPPORTUNITIES, DANGERS AND DILEMMAS*, 1-25, 229-292 (co-edited with T.J. Cheng and Deborah Brown, 2006)
- Atypical Pneumonia and Ambivalent Law and Politics: SARS and the Response to SARS in China* 77 *TEMPLE LAW REVIEW* 193-245 (2004)
- Reforming / Replacing the ROC Constitution: Implications for Taiwan's State(-like) Status and U.S. Policy*, WOODROW WILSON INTERNATIONAL CENTER ASIA PROGRAM SPECIAL REPORT 12-18 (November 2004)
- Democratization and Its Limits in Greater China*, *ORBIS*, vol. 48, no. 2, 193-203 (2004) (conference volume)
- The Common Law of Causation in Tort and Questions of Policy and Institutions in the Development of Chinese Tort Law*, FAZHI CANKAO [LEGAL MATERIALS JOURNAL] 2004, no. 5, Democracy and the Legal System Press, under the National People's Congress, People's Republic of China) 122-124 (in Chinese 2004)
- SARS and the Pathologies of Globalization and Transition in Greater China*, *ORBIS*, vol. 47, no. 4, 587-604 (2003) (conference volume on Asia's Shifting Strategic Landscape)
- Human Rights, Civil Wrongs and International Politics: A 'Sinical' Look at the Use of U.S. Litigation to Address Abuses Abroad*, 52 *DEPAUL LAW REVIEW* 473-561 (2003) (conference volume on American Civil Justice in a Global Context)
- Chasing the God of Wealth while Evading the Goddess of Democracy: Development, Democracy and Law in Reform-Era China*, in *DEVELOPMENT AND DEMOCRACY: NEW PERSPECTIVES ON AN OLD DEBATE* 252-293 (Sunder Ramaswamy & Jeffrey W. Cason, eds., 2003)
- The China-Taiwan Relationship: Law's Spectral Answers to the Cross-Strait Sovereignty Question*, *ORBIS*, vol. 46, no. 4, 733-752 (2002) (conference volume on sovereignty and cross-Strait relations)
- The Roles of Law in the War on Terrorism*, *ORBIS*, vol. 46, no. 2, 301-320 (2002)
- Humanitarian Intervention: Legality, Morality, and the Good Samaritan*, *ORBIS*, vol. 45, no. 3, 535-556 (2001)
- The Rule of Law and the Roles of Law in China* (review essay of "The Limits of the Rule of Law in China") in *SINO-PLATONIC PAPERS*, Reviews IX, October 2000, 1-21
- China's Approach to International Law: A Historical Perspective*, 94 *AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS* 267-275 (2000)
- The Chinese Puzzle of Taiwan's Status*, *ORBIS*, vol. 44, no. 1, 35-62 (2000)

The P.R.C.'s Population and Family Planning Policies: Legal Issues and Social Consequences in the Mainland and the United States in LIANG-AN SHE-HUI PIEN-CH' IEN-CHUNG CHIA-T'ING YÜ-CH' I HSIANG-KUAN WEN-T' I HSÜEH-SHU YEN-CHIU T' AN-HUI HUI-I LUN-WEN-CHI 239-260 (Fu-jen Ta-hsüeh She-hui Wen-hua Yen-chiu Chung-hsin, 1999)

The Taiwan Question, SINO-AMERICAN RELATIONS, Winter 1999, 22-28

Lex Americana?: United States Legal Assistance, American Legal Models, and Legal Change in the Post-Communist World and Beyond, 20 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL ECONOMIC LAW 179-308 (1999)

The East Asian Debate on International Human Rights: Domestic Approaches and Attitudes in the Absence of Regional Commitments, 92 AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS 64-66 (1998) (co-author)

Sovereignty Resumed: China's Conception of Law for Hong Kong, and its Implications for the SAR and US-PRC Relations, HARVARD ASIA QUARTERLY 21-27 (Summer 1998)

Political Alchemy, the Long Transition and Law's Promised Empire: How July 1, 1997 Matters -- and Doesn't Matter -- in Hong Kong's Return to China, 18 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL ECONOMIC LAW 69-131 (1997) (symposium issue on Hong Kong's transition from British colony to Chinese Special Administrative Region)

Hong Kong's Endgame and the Rule of Law (I): The Struggle over Institutions and Values in the Transition to Chinese Rule, 18 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL ECONOMIC LAW 195-254 (1997) (with Kevin P. Lane)

Hong Kong's Endgame and the Rule of Law (II): The Battle over 'the People' and the Business Community in the Transition to Chinese Rule, 18 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL ECONOMIC LAW 811-1047 (1997) (with Kevin P. Lane)

Cooking the Rice without Cooking the Goose: The Rule of Law, the Battle over Business, and the Quest for Prosperity in Hong Kong After 1997 (with Kevin P. Lane) in HONG KONG UNDER CHINESE RULE: THE ECONOMIC AND POLITICAL IMPLICATIONS OF REVERSION 31-70 (Warren I. Cohen & Zhao Li, eds., Cambridge University Press, 1997)

Of Chinese Walls, Battering Rams and Building Permits: Five Lessons about International Economic Law from Sino-U.S. Trade and Investment Relations, 17 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL ECONOMIC LAW 513-532 (1996)

Disquiet on the Eastern Front: Liberal Agendas, Domestic Legal Orders, and the Role of International Law after the Cold War and amid Resurgent Cultural Identities,
18 FORDHAM INTERNATIONAL LAW JOURNAL 1725-1741 (1995) (symposium issue on the roles of international law in the twenty-first century)

Massacre in Beijing: The Events of 3-4 June and their Aftermath (Ad Hoc Study Group on Human Rights in China, and International League for Human Rights, 1989) (co-author)

China's Foreign Economic Contract Law and Technology Import Regulations, 27 HARVARD INTERNATIONAL LAW JOURNAL 275-283 (1986)

OTHER WRITINGS AND COMMENTARY:

Op-eds/commentary/essays for newspapers and other media, including *The Asian Wall Street Journal*, *The Philadelphia Inquirer*, *Foreign Policy Research Institute E-notes*, *China Online*, *Asia Times*, *Free China Journal*, *The American* and *The Penn Law Journal*; titles include:

Dragon and (Legal) Eagle: International Law and American Interests in U.S.-China Relations beyond the Hu-Obama Summit;

A Tale of Two Summits: Hu Jintao in Washington, Wen Jiabao in New Delhi and U.S.-China-India Relations;

The Elephant in the Room: Summitry and China's Challenging Relations with Great Powers in Asia;

Taiwan: Elections at Home, Economic Relations with the Mainland and U.S.-China-Taiwan Relations (A Symposium Report)

Regional Security in East Asia (A Conference Report)

What's Happened to Democracy in China?: Elections, Law and Reform (A Symposium Report)

Power in East Asia (A Conference Report)

Hu, Obama and U.S.-China Economic and Legal Relations: Structural Issues the Summit Will Not Address but Should Not Ignore;

China Policy under Obama;

The U.S. Elections and America's Role in East Asia: Views from the Region— A Roundtable Report ;

China is a Rising Star, but Unusually Weak and Poor;

Elections, Political Transitions and Foreign Policy in East Asia: A Conference Report

China's Legal Encounter with the West;

Taiwan Under President Ma Ying-jeou: A Horse of a Different Color? – Democracy and Distrust in Taiwan;

Taiwan Under President Ma Ying-jeou: Changing Horses in the Middle of the Strait? – Taiwan's External Relations;

Playing for Keeps (The Beijing 2008 Olympics);

Kind of Blue?: Implications of Taiwan's 2008 Elections;

China Rising: Assessing China's Economic and Military Power—A Conference Report;

Into Africa: China's Quest for Resources and Influence;

Free Trade Areas: Legal Aspects and the Politics of U.S., PRC and Taiwan Participation;

Free Trade Areas in East Asia: A Symposium Report;
Constitutional Change and Foreign Policy in East Asia: A Conference Report;
Taiwan's Democracy and Lessons from Yet Another Election;
Party Politics and Foreign Policy in East Asia: A Conference Report;
China after Jiang: Two Strengths and Five Unresolved Issues;
The Aftermath of Taiwan's Presidential Election: A Symposium Report;
Fifteen Years After Tiananmen: Persistence, Memory and Change in China;
Democracy and Its Limits in Greater China: A Conference Report;
Asia's Shifting Strategic Landscape: A Conference Report;
Illegal? Yes; Lawless? Not So Fast: The U.S., International Law and Iraq
Sinical Voters?: Elections in Greater China;
Bless and Keep the S.A.R. . . . Far Away From Us: Taiwan's Hong Kong Phobia, Five
Years On;
Humanitarian Intervention: The International Law and Morality of Force and Rescue;
Varieties of Sovereignty and Cross-Strait Relations: A Conference Report;
Politics, Law and Resentment on the China Coast;
U.S. Policy Toward Taiwan: Sustaining the Status Quo;
The [2000 Presidential] Election, Sausages and Foreign Policy;
Foreign Affairs, Federalism and Well-Meaning-Mischief: The Constitutional Infirmity of
Massachusetts's Burma Law;
A Progression of Reform [for Law in China]: Not Revolution But Evolution;
Fifty Years After the Revolution [in China];
Who's Afraid of Falun Gong?;
Appeal of Falun Gong Puts Strain on Beijing;
The Taiwan Question;
Chinese Law: A Middle Path for the Middle Kingdom;
Impeachment: It's Political Not Judicial;
Hong Kong's Legal Crisis.

Commentary/interviews for television, radio, newspapers and magazines in the United States,
East Asia and Europe

FELLOWSHIPS AND AWARDS:

Taipei Economic and Cultural Office research grant, 2008 (for research in Taiwan on cross-Strait
relations)

Senior Fellow, Salzburg Seminar (Asian Law Session), 2002

Fellow, Freeman Foundation Symposium, Salzburg Seminar ("East Asia-United States: A
Search for Common Values"), 1998, 1999, 2000

University of Pennsylvania Center for East Asian Studies, U.S. Department of Education
National Resource Center Course Development Grant (for two linked courses: Public
International Law, and China and International Law), 1999

University of Pennsylvania Center for East Asian Studies, U.S. Department of Education
National Resource Center Conference Grant, 1998, 2004

University of Pennsylvania Research Foundation, 1996-97

Presidential Fellow, Salzburg Seminar ("United States Foreign Policy in Asia: Adapting to
Change"), 1995

Dissertation Fellowship, Institute for the Study of World Politics, 1990-91

NCR Foundation Fellowship, Harvard University Council on East Asian Studies (for dissertation
field research in China), 1990

Kukin Scholar, Harvard Academy for International and Area Studies, Harvard University (for
research combining regional studies and a social science discipline), 1986-88

Sears Prize, Harvard Law School (awarded to the two students receiving the highest averages in
the work of the second year of law school), 1986

Graduate School of Arts and Sciences Fellow, Harvard University (awarded for academic merit
to ten students, throughout the Graduate School of Arts and Sciences, who have
completed departmental Ph.D. qualifying exams), 1986-87

Foreign Language and Area Studies Fellowship, Harvard University (for study at Harvard Law
School), 1989-90; (for study at the Chinese Language School, Middlebury College), 1985

OTHER EXPERIENCE / PROFESSIONAL ACTIVITIES / SERVICE:

Consultant, expert witness on issues of P.R.C. and Hong Kong law and government policies,
in litigation in federal and state courts, arbitration proceedings, and proceedings before
federal agencies, 1996-

Senior Fellow, Foreign Policy Research Institute, 1999-; Director of the Asia Program, 2002-

Member, National Committee on United States-China Relations, 2001-

American Society of Comparative Law, Board of Directors, 1996-

Associate Member, International Academy of Comparative Law, 2006-

Board of Editors, ORBIS, 2004-

Editorial Advisory Board, JOURNAL OF CONTEMPORARY CHINA, 2007-

Editorial Board, FRONTIERS OF LAW IN CHINA, 2010-

Tsinghua University / Temple University Law School Program Series of Conferences on Law Reform, 2002-2004

Vice Chair, Pacific Rim Interest Group, American Society of International Law, 2003-

Consultant, Asia Foundation "Rule of Law" in China Project on Administrative Law, 2000

Member, Advisory Council, International Council on Intellectual Property Rights (China), American International Education Foundation, 2004-

Fellow, Institute for Corean-American Studies, 1999-

Board of Advisors, Russian American Institute for Law and Economics, 2000-2004

Consultant, Russian American Institute for Law and Economics (report on U.S. legal advice and assistance programs in Russia and elsewhere), 2000-2004

Council for International Educational Exchange, Fulbright Senior Scholars Awards, peer review awards panel (China, Taiwan, Hong Kong), 2000-2002; distinguished chair awards panel (law), 2003-

University Grants Committee (Hong Kong), Research Grants Council, peer reviewer, 1998-; Member, Humanities and Social Sciences Panel, 2007-

External Examiner, Administrative and Constitutional Law, City University of Hong Kong, 2005-

Academic Advisory Board, Tsinghua University / Temple University School of Law Masters of Law Program in Beijing, 1997-

Lecturer, programs on American, comparative, and international law for Chinese lawyers, 1995-

Ad Hoc Study Group on Human Rights in China (report and brief on Tiananmen Incident of June, 1989, and its aftermath, presented jointly with the International League for Human Rights to the principal human rights subcommission of the United Nations), 1989

Harvard International Law Journal, Articles Editor (including special issue on legal reforms in China) 1987

Harvard University, Teaching Fellow, 1985-1992

Courses: The Chinese Cultural Revolution; Government and Politics of China; China After Mao: A New Revolution? (Institute of Politics seminar, Kennedy School of Government); International Organizations; Modern Political Ideologies

Peking University, Department of International Politics, Visiting Researcher, 1990, 1991

Chinese University of Hong Kong, Universities Service Centre, Research Affiliate, 1989, 1991

Summer Associate, Paul, Weiss, Rifkind, Wharton & Garrison (New York, 1986),
Baker & McKenzie (New York, 1984), Townley & Updike (New York, 1983)

Matsushita Electric Industrial Corporation, Osaka, Japan (program for foreign students of
business and economics), 1981

LANGUAGES: Chinese (Mandarin), French