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## Ralf Michaels

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Box 90360  
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### Academic Positions

#### Duke University School of Law

Arthur Larson Professor of Law (since 2012); Professor of Law (2007-12); Associate Professor (2002-07); Visiting Professor (Spring 2002)

Taught also at Duke Law's summer institutes in Hong Kong (2007, 2012) and Geneva (2010)

#### London School of Economics and Political Science

Visiting Professor (November 2011)

#### University of Toronto Faculty of Law

Distinguished Visiting Faculty (January 2011)

#### University of Pennsylvania Law School

Visiting Professor (Fall 2010)

#### Princeton University

Katherine and Martin Crane Fellow, Program in Law and Public Affairs (2009-10);

Visiting Professor (Spring 2010)

#### Université Paris II, Panthéon-Assas

Professeur invité (Spring 2009)

#### Max Planck Institute for Comparative and International Private Law,

#### Hamburg, Germany

Visiting Fellow (Spring 2006); Senior Research Fellow (*Wissenschaftlicher Referent*) (2001-2002); Research Fellow (*Wissenschaftlicher Mitarbeiter*) (1997-1999)

#### American Academy in Berlin

Lloyd Cutler Fellow (Fall 2005)

*Lloyd Cutler Berlin Prize 2005*

#### German National Academic Foundation (*Studienstiftung des deutschen Volkes*)

Lecturer, Summer University 2005, Salem, Germany

#### Harvard Law School

Joseph Story Fellow (1999- 2000)

#### University of Passau, Germany

Senior Research Assistant, Chair for Private Law, Conflict of Laws and Comparative Law (Prof. Klaus Schurig) (1994-1995, 1996-1997)

### Education

#### University of Passau, Germany

Dr. iur. (SJD equivalent), 2000, summa cum laude

First state examination in law (JD), 1994, magna cum laude (12.83 points, "gut")

*Scholar of the German National Academic Foundation, 1992-1997*

**Oberlandesgericht (Court of Appeals), Hamburg, Germany**

Second state examination in law, 2000, magna cum laude (12.54 points, “gut”)

**Cambridge University, U.K. (King’s College)**

LL.M., 1995, summa cum laude (“First”, highest grade)

*CJ Hamson Prize in Comparative Law*, Cambridge University

*Hurst Prize for Law*, King’s College

**Main Subjects Taught**

**Lecture classes:**

Introduction to Comparative Law; Comparative Contract Law; Conflict of Laws

**Seminars:**

Law and Globalization; The Globalization of Jurisdiction; Private Law beyond the State; Current Issues in International and Comparative Law (method/theory seminar); Global Law Workshop (speaker series); Globalization and Domestic Courts; Globalization of the Family

**Membership on Boards etc.**

[American Journal of Comparative Law](#) (Executive Editorial Board)

[German Law Journal](#) (Editorial Board)

[Maastricht Journal of European and Comparative Law](#) (Advisory Board)

[Uniform Law Review](#) (Advisory Board)

[Tilburg Institute of Comparative and Transnational Law \(TICOM\)](#) (Invited Fellow)

**Peer Reviewer / Outside Evaluator**

American University, Washington College of Law; University of Illinois; University of California, Irvine School of Law; University of Toronto; University of Cyprus; University of Baltimore

American Journal of Comparative Law (executive editorial board); German Law Journal (editorial board); International Theory; Journal of Private International Law; Law & Social Inquiry; Maastricht Journal of European and Comparative Law; *Rabels Zeitschrift für Ausländisches und Internationales Privatrecht*; University of Toronto Law Journal

Ashgate Publishers; Aspen Publishers, Cambridge University Press; Oxford University Press; Routledge

Alexander von Humboldt Foundation, American Academy in Berlin; European Research Council; Fritz Thyssen Foundation, Hague Institute for the Internationalization of Law; Holberg Memorial Prize Committee; Swiss National Science Foundation

**Membership in Professional Associations**

[Académie internationale de droit comparé](#) (elected associate member); [American Branch of the International Law Association](#); [American Society of Comparative Law](#); [American Society of International Law](#); [American Society for Political and Legal Philosophy](#); [German National Committee of Comparative Law](#); [German Society for International Law – Deutsche Gesellschaft für Völkerrecht](#); [German] Academic Association for International Procedural Law – *Wissenschaftliche Vereinigung für Internationales Verfahrensrecht*; [Selden Society](#); [Société de Législation Comparée](#) (French Society of Comparative Law)

**Service**

**Duke University School of Law:**

Director, [Center for International and Comparative Law](#) (2007-9)

Director and Co-Director, [JD/LLM Program in International and Comparative Law](#) (2003-7)

Member, Executive Board, [LENS Center for Law, Ethics and National Security](#) (since 2008)  
Faculty Advisor, [Duke Journal of Comparative and International Law](#) (since 2006)

Entry-Level Appointments Committee (2007-09); International and Comparative Legal Studies Committee (since 2002, chair 2003-4); Journals Committee (2006-7); Curriculum Committee (2006-7); Administrative Committee (2004-5); Workshop Committee (2002-4)

*Dean's Award for Faculty Collaboration* (2004)

**Duke University:**

[Duke University Judicial Board](#) (2007-2010); Advisory Committee, [DUCIS Duke University Center for International Studies](#) (since 2007); [Academic Council](#) (2003-5); Faculty Hearing Committee (2003-4)

**Discipline:**

[American Association of Law Schools: Section on Comparative Law](#) (Executive Committee 2006-08, chair 2008)

[American Society of Comparative Law](#): Nominating Committee (2008); Chair, Programming Committee (since 2011); American Journal of Comparative Law; Executive Editorial Board (since 2006)

[American Society of International Law](#); [Private International Law Interest Group](#) (Co-Chair, since 2011)

[International Law Association](#), Study Group on on the Application of International Law by Domestic Courts, member (since 2011)

**Supervision of Doctoral Students**

[Christopher A. Whytock](#) (now Associate Professor, University of California at Irvine), [Domestic Courts and Global Governance: The Politics of Private International Law](#) (2007), PhD (Political Science), committee member (chair: Bruce Jentleson)

Jie Huang (now Associate Professor, Shanghai Institute of Foreign Trade), *Recognition and Enforcement of Judgments between Mainland China, Hong Kong and Macau: A Multilateral Arrangement for Interregional Conflicts* (2010), chair and supervisor

Publication with Hart, forthcoming

Rasmus Goksoer, *Scandinavian Private Law Exceptionalism under European Influence*, to be finished in 2012, chair and supervisor

Sagi Peari, *A Kantian Private International Law*, to be finished in 2013, Toronto University, committee member (chair: Ernest J. Weinrib)

Dian Abdul Hamed Shah, committee member (chair: Donald Horowitz)

**Languages**

German, English, French, Spanish, Latin

**Publications and Presentations**

Author of a book, co-editor of two books and three journal special issues; author of articles and book reviews in various American and European publications (see separate list).

*2007 Duke Law Faculty Scholarship award*

Invited Academic Presentations, in English, German, and French, held in Belgium, Brazil, Canada, England, Finland, France, Germany, Hungary, Israel, Italy, Japan, Lebanon, Netherlands, Scotland, Spain, Switzerland, Taiwan, and United States (see separate list)

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### Publications and Select Presentations (as of September 2012)

#### Books, Monographs, and Edited Volumes

[LIBER AMICORUM KLAUS SCHURIG](#) (ed. with Dennis Solomon), Munich, Sellier, 2012, x + 323 pp.

[Symposium: Legal Origins Thesis, Doing Business Reports, and Comparative Law](#) (special ed.), 57:4 AMERICAN JOURNAL OF COMPARATIVE LAW 765-876 (2009)

#### [CICLOPS – DUKE LAW CENTER FOR INTERNATIONAL STUDIES OCCASIONAL PAPERS](#)

[ISSUE 1 \(JUNE 2009\): THE ANNUAL HERBERT L. BERNSTEIN MEMORIAL LECTURE IN COMPARATIVE LAW: THE FIRST SIX YEARS 2002-2007](#) (ed. with Stephen Bornick and Jonathan White), xii + 130 pp.

[BEYOND THE STATE: RETHINKING PRIVATE LAW](#) (ed. with Nils Jansen), Mohr/Siebeck, Tübingen, 2008, XII, 422 pp.

**Reviews:** Thomas M.J. Möllers, 19 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 225-227 (2011); Andrea Zoppini, 74 BANCA, BORSA TITOLI DI CREDITO Issue 1 (2011)

[Special Symposium Issue: "Beyond the State? Rethinking Private Law"](#) (special ed. with Nils Jansen), 56:3 AMERICAN JOURNAL OF COMPARATIVE LAW 527-843 (2008)

**Review:** Ewoud Hondius, 2008 NEDERLANDS TIJDSCHRIFT VOOR BURGERLIJK RECHT 439-440

[TRANSDISCIPLINARY CONFLICT OF LAWS](#) (special ed. with Karen Knop and Annelise Riles), 71:3 LAW AND CONTEMPORARY PROBLEMS (Summer 2008), 349 pp.

[CONFLICT OF LAWS IN A GLOBALIZED WORLD](#) (ed. with Eckart Gottschalk, Giesela Rühl, Jan von Hein), Cambridge University Press, 2007, 318 pp; . Paperback ed. 2011

**Reviews:** [David P. Stewart, 79 ABILA NEWSLETTER 6-7 \(January 2008\)](#); Bénédicte Fauvarque-Cosson, (2008) REVUE INTERNATIONALE DE DROIT COMPARÉ 787-788; [Zolomphi Nkowani, 34 COMMONWEALTH LAW BULLETIN 721-724 \(2008\)](#); Peter Hay, 73 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 167-174 (2009)

[EU LAW AS PRIVATE INTERNATIONAL LAW? RE-CONCEPTUALISING THE COUNTRY-OF-ORIGIN PRINCIPLE AS VESTED RIGHTS THEORY](#), ZERP Discussion Paper 5/2006, 51 pp.

[SACHZUORDNUNG DURCH KAUFVERTRAG. KONSENSPRINZIP, TRADITIONSPRINZIP, IUS AD REM IN GESCHICHTE, THEORIE UND GELTENDEM RECHT](#) [Assigning Ownership through Contracts of Sales. Consent, Delivery, *ius ad rem* in History, Theory, and Current Law], Berlin: Duncker & Humblot, 2002, 474 pp.

Cited in *Dream Supreme Properties IICC v. Nedcor Bank Ltd.* (Supr. Ct. of Appeal of South Africa, 2005), [2007] ZASCA 8

**Reviews:** Roland Dubischar, 11 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 229-233 (2003); Wolfgang Ernst, 72 THE LEGAL HISTORY REVIEW (TIJDSCHRIFT VOOR RECHTSGESCHIEDENIS) 145-151 (2004); Christian Neschwara, 45 ZEITSCHRIFT FÜR RECHTSVERGLEICHUNG 37 (2004); Astrid Stadler, 72 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 423-432 (2008); Hans Wieling, 120 ZEITSCHRIFT FÜR RECHTSGESCHICHTE (GERMANISTISCHE ABTEILUNG) 480-491 (2003)

## Book Contributions

*Applicable Law and Collective Redress in Europe*, in CROSS-BORDER CLASS ACTIONS (Arnaud Nuyts ed., Sellier, forthcoming)

*Make or Buy – A Public Market for Legal Transplants?*, in REGULATORY COMPETITION IN CONTRACT LAW AND DISPUTE RESOLUTION (Horst Eidenmüller ed., Beck / Hart / Nomos, forthcoming)

[Why We Have No Theory Of European Private Law Pluralism](#), in Pluralism and European Private Law (Leone Niglia ed., Hart, forthcoming)

*Die Struktur der kollisionsrechtlichen Durchsetzung einfach zwingender Normen*, in LIBER AMICORUM KLAUS SCHURIG 191-210 (Ralf Michaels & Dennis Solomon eds., Munich, Sellier 2012)

[Rollen und Rollenverständnis im transnationalen Privatrecht](#) (Roles and Role Perceptions in Transnational Private Law), in [45 BERICHTE DER DEUTSCHEN GESELLSCHAFT FÜR VÖLKERRECHT](#) 175-227 (2012)

[Recognition and Enforcement of Foreign Judgments](#), in VIII [THE MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW](#) 672 (Rüdiger Wolfrum, ed., 2012).

Also [online](#) at [www.mpepil.com](http://www.mpepil.com) (2009)

Entries in [MAX PLANCK ENCYCLOPEDIA OF EUROPEAN PRIVATE LAW](#) (Jürgen Basedow, Klaus Hopt, Reinhard Zimmermann eds., Oxford University Press, 2012)

'*Acquisition of Ownership from a Non-Owner*', pp. 15-18

'*Comparative Law*', pp. 298-302

'*Legal Culture*', pp. 1060-1064

'*Property*', pp. 1373-1376

'*Restatements*', 1466-1470

[Jurisdiction and Choice of Law in International Antitrust Law – A US Perspective](#) (with Hannah Buxbaum), in [INTERNATIONAL ANTITRUST LITIGATION: CONFLICT OF LAWS AND COORDINATION](#) 225-244 (Jürgen Basedow, Stéphanie Francq & Laurence Idot eds., 2012)

*The Functionalism of Legal Origins*, in [DOES LAW MATTER? ON LAW AND ECONOMIC GROWTH](#) 21- 39 (100 IUS COMMUNE EUROPAEUM, Michael Faure & Jan Smits eds., 2011)

[Of Islands and the Sea: The Two Rationalities of European Private Law](#), in [FOUNDATIONS OF EUROPEAN PRIVATE LAW](#) 139-158 (Roger Brownsword, Leone Niglia & Hans-Wolfgang Micklitz eds., Hart 2011)

[Global Problems in Domestic Courts](#), in [THE LAW OF THE FUTURE AND THE FUTURE OF LAW](#) 167-177 (Sam Muller, Stavros Zouridis, Morly Frishman and Laura Kistemaker eds.), (Oslo: Torkel Opsahl, 2011)

[Empagran's Empire: The Territorial Scope of Statutes in a Post-Territorial World](#), in [THE U.S. SUPREME COURT AND INTERNATIONAL LAW: CONTINUITY OR CHANGE?](#) 533-546 (David L. Sloss, Michael D. Ramsey and William S. Dodge eds., Cambridge University Press, 2011)

[Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of Public International Law](#) (with Joost Pauwelyn), in [MULTI-SOURCE EQUIVALENT NORMS IN INTERNATIONAL LAW](#) 19-44 (Tomer Broude & Yuval Shany eds., Hart, 2011)

Republished in DUKE JOURNAL FOR INTERNATIONAL AND COMPARATIVE LAW \_\_\_\_ (2012)

**Review:** Filippo Fontanelli, 23 European Journal of International Law 597-604 (2012)

Entries in [HANDWÖRTERBUCH DES EUROPÄISCHEN PRIVATRECHTS](#) (Jürgen Basedow, Klaus Hopt, Reinhard Zimmermann eds., Tübingen: Mohr/Siebeck, 2009)

'Eigentum,' Vol. I, pp. 358-362

'Erwerb vom Nichtberechtigten,' Vol. I, pp. 451-454

'Rechtsvergleich,' Vol. II, pp. 1255-1259

'Rechtskultur,' Vol. II, pp. 1265-1269

'Restatements,' Vol. II, pp. 1295-1299

**Reviews:** Mathias Habersack, JURISTENZEITUNG 2010, 296-297; Volker Triebel, NEUE JURISTISCHE WOCHENZEITUNG 2010, 831-832; Tilman Repgen, 128 ZEITSCHRIFT FÜR RECHTSGESCHICHTE, GERMANISCHE ABTEILUNG (2011), Esther Arroyo I Amay, 18 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 982-983 (2010); Marco B.M. Loos, 2010 ZEITSCHRIFT FÜR GEMEINSCHAFTSPRIVATRECHT 280-281

[Preamble I: Purposes, legal nature, and scope of the PICC; applicability by courts; use of the PICC for the purpose of interpretation and supplementation and as a model](#), in [COMMENTARY ON THE UNIDROIT PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS \(2004\)](#) 21-80 (Stefan Vogenauer & Jan Kleinheisterkamp eds., Oxford University Press, 2009)

**Reviews:** Michael Joachim Bonell, 2009 UNIFORM LAW REVIEW 415-417; Ewoud Hondius, 2009 NEDERLANDS TIJDSCHRIFT VOOR BURGERLIJK RECHT 275-276 (2009); Ewoud Hondius, EUROPEAN REVIEW OF PRIVATE LAW 745-748 (2009); Nils Jansen, 2009 JURISTENZEITUNG 1008-9; Olaf Meyer, 18 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 223-224 (2010); Lars Gorton, [2010] ERHVERVSJURIDISK TIDSSKRIFT (Journal of Business Law) 65-70; David Milman, 21 INTERNATIONAL COMPANY AND COMMERCIAL LAW REVIEW 176 (2010); Christiana Fountoulakis, 11 EUROPEAN JOURNAL OF LAW REFORM 535-536 (2009); Djakhongur Saidov, 14 EDINBURGH LAW REVIEW 524-526 (2010); Nicole Kornet, 19 Maastricht Journal of European and International Law 93-96 (2012)

[Private Law and the State. Comparative Perceptions, Historical Observations, and Basic Problems](#) (with Nils Jansen), in [BEYOND THE STATE? RETHINKING PRIVATE LAW](#) 15-67 (Nils Jansen & Ralf Michaels eds., 2009) (republished from 71 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 345-397 [2007])

[Private Law Beyond the State. Europeanization, Globalization, Privatization](#) (with Nils Jansen), in [BEYOND THE STATE? RETHINKING PRIVATE LAW](#) 69-118 (Nils Jansen & Ralf Michaels eds., 2009) (republished from 54 AMERICAN JOURNAL OF COMPARATIVE LAW 845-892 [2006])

*Die europäische IPR-Revolution: Regulierung, Europäisierung, Mediatisierung* (The European Choice-of-Law Revolution: Regulation, Europeanization, Mediatization), in [DIE RICHTIGE ORDNUNG: FESTSCHRIFT FÜR JAN KROPHOLLER](#) 151-173 (Dietmar Baetge, Jan von Hein, Michael von Hinden eds., Tübingen: Mohr, 2008)

**Reviews:** Ewoud Hondius, 2009 NEDERLANDS TIJDSCHRIFT VOOR BURGERLIJK RECHT 110-112; Louis d'Avout, 98 REVUE CRITIQUE DE DROIT INTERNATIONAL PRIVÉ 633-637

*Systemfragen des Schuldrechts* (Systemic Issues in the Law of Obligations), in [II HISTORISCH-KRITISCHER KOMMENTAR ZUM BGB](#) (Historical-Critical Commentary on the German Civil Code) 1-97 (Mathias Schmoeckel, Joachim Rückert, Reinhard Zimmermann ed., Tübingen: Mohr, 2007)

**Reviews:** Werner Schubert, 2008 JURISTISCHE RUNDSCHAU 174; Gerhard Dilcher, 96  
VIERTELJAHRESSCHRIFT FÜR SOZIAL- UND WIRTSCHAFTSGESCHICHTE 228-231 (2009)

*Retour aux sources ? Droit et politiques des sources du droit contemporain aux Etats-Unis* [Back to the Sources? Law and Politics of Sources of Contemporary American Law], in [LES SOURCES DU DROIT: ASPECTS CONTEMPORAINS](#) 97-112 (Société de législation comparée & Cedroma eds., 2007)

*Some Fundamental Jurisdictional Conceptions as Applied in Judgment Conventions*, in [CONFLICT OF LAWS IN A GLOBALIZED WORLD](#) 29-62 (Eckart Gottschalk, Ralf Michaels, Giesela Rühl, Jan von Hein eds., Cambridge University Press, 2007)

*Globalizing Savigny? The State in Savigny's Private International Law and the Challenge from Europeanization and Globalization*, in [AKTUELLE FRAGEN POLITISCHER UND RECHTLICHER STEUERUNG IM KONTEXT DER GLOBALISIERUNG](#) 119-144 (Michael Stolleis & Wolfgang Streeck eds, Baden-Baden: Nomos, 2007)

*The Functional Method of Comparative Law*, in [THE OXFORD HANDBOOK OF COMPARATIVE LAW](#) 339-382 (Mathias Reimann & Reinhard Zimmermann eds., Oxford University Press, 2006, revised paperback ed. 2008)

Russian translation: [Функциональный метод сравнительного правоведения](#), in 10 ВЕСТНИК ГРАЖДАНСКОГО ПРАВА ("Herald of Civil Law") 242-297 (2010)

Arabic translation: AL-MANHAJ AL-WAZ İFİ LI-L-QAÑUN AL-MUQAĀRAN, IN KITĀB UKSFURD LI-L-QAÑUN AL-MUQAĀRAN [Oxford Handbook of Comparative Law] 515-579 (Mathias Reimann & Reinhard Zimmermann eds, Beirut: al-shabaka al-carabiyya li-l-abhāth wa-l-nashr [Arab Network for Research and Publishing] 2010)

Ukrainian translation: ФУНКЦІОНАЛЬНИЙ МЕТОД ПОРІВНЯЛЬНОГО ПРАВА, in 1 ПОРІВНЯЛЬНЕ ПРАВОЗНАВСТВО 189-228 (2012)

Chinese translation forthcoming

**Reviews:** J.M. Rainer, 78 TIJDSCHRIFT VOOR RECHTSGESCHIEDENIS 494-500 (2010)

*Two Economists, Three Opinions? Economic Models for Private International Law – Cross-Border Torts as Example*, in [AN ECONOMIC ANALYSIS OF PRIVATE INTERNATIONAL LAW](#) 143-184 (Jürgen Basedow, Toshiyuki Kono & Giesela Rühl eds., Tübingen: Mohr, 2006)

**Reviews:** Alkaios Sivitanidis, 60 REVUE HELLÉNIQUE DE DROIT INTERNATIONAL 385-387 (2007); Roberta Clerici, 44 RIVISTA DI DIRITTO INTERNAZIONALE PRIVATO E PROCESSUALE 1185-1187 (2008); Peter Mankowski, RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 182-192 (2010)

*American Law (United States)*, in: [ELGAR ENCYCLOPEDIA OF COMPARATIVE LAW](#) 66-77 (Jan Smits ed., Cheltenham: Edward Elgar Publishing, 2006, paperback 2008, 2d revised ed forthcoming)

*Re-Placements. Jurisdiction for Contracts and Torts under the Brussels I Regulation when Arts. 5(1) and 5(3) do not Designate a Place in a Member State*, in: [INTERNATIONAL CIVIL LITIGATION IN EUROPE AND RELATIONS WITH THIRD STATES](#) 129-156 (Arnaud Nuyts & Nadine Watté eds., Brussels: Bruylant, 2005)

*Territorial Jurisdiction after Territoriality*, in: [GLOBALISATION AND JURISDICTION](#) 105-130 (Piet-Jan Slot & Mielle Bulterman eds., Kluwer Law International, 2004)

## Journal Articles and Essays

*Roles and Role Perceptions in International Commercial Arbitration*, GOVERNANCE (submitted)

*Code vs Code – Nationalist and Internationalist Images of the Code civil in the French Resistance to a European Codification*, 8 EUROPEAN REVIEW OF CONTRACT LAW 277-295 (2012)

*Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of Public International Law* (with Joost Pauwelyn), 22 DUKE JOURNAL FOR INTERNATIONAL AND COMPARATIVE LAW 349-376 (2012) (republished)

*Legal Medievalism in Lex Mercatoria Scholarship*, 90 TEXAS LAW REVIEW SEE ALSO 259-268 (2012)

*From Multiculturalism to Technique: Feminism, Culture, and the Conflict of Laws Style* (with Karen Knop and Annelise Riles), 64 STANFORD LAW REVIEW 589-656 (2012)

**Review:** Kim Brooks, <http://equality.jotwell.com/no-conflict-about-this-non-essentialist-reading>

*A Fuller Concept of Law Beyond the State? –Thoughts on Lon Fuller’s Contributions to the Jurisprudence of Transnational Dispute Resolution – A Reply to Thomas Schultz*, 2 JOURNAL OF INTERNATIONAL DISPUTE SETTLEMENT 417-426 (2011)

*International Law in Domestic Courts – A Conflict of Laws Approach* (with Karen Knop and Annelise Riles), PROCEEDINGS OF THE 103<sup>RD</sup> MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW 269-274 (2010)

*Explanation and Interpretation in Functionalist Comparative Law – a Response to Julie de Coninck*, 74 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 351-359 (2010)

*The Mirage of Non-State Governance*, 2010 UTAH LAW REVIEW 31-45 (symposium issue)

*After the Revolution—Decline and Return of US Conflict of Laws*, 11 YEARBOOK OF PRIVATE INTERNATIONAL LAW 11-30 (2009)

Chinese translation in 79 ECUPL [EAST CHINA UNIVERSITY OF POLITICAL SCIENCE AND LAW] JOURNAL 134-144 (2012) and in 2012-4 INTERNATIONAL LAW (Information Center for Social Sciences, Renmin University of China) 70-79

Chinese summary in 2012-3 CHINESE SOCIAL SCIENCE DIGEST 127-128

*Global Legal Pluralism*, 5 ANNUAL REVIEW OF LAW AND THE SOCIAL SCIENCES 243-262 (2009)

*Comparative Law by Numbers? Legal Origins Thesis, Doing Business Reports, and the Silence of Traditional Comparative Law*, 57 AMERICAN JOURNAL OF COMPARATIVE LAW 765-795 (2009)

*Umdenken für die UNIDROIT-Prinzipien: Vom Rechtswahlstatut zum Allgemeinen Teil des transnationalen Vertragsrechts* [Rethinking the UNIDROIT Principles: From a Law Chosen by the Parties towards a General Part of Transnational Contract Law], 73 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 866-888 (2009)

*The Second Wave of Comparative Law and Economics?* (Comment on a text by Gillian Hadfield), 59 UNIVERSITY OF TORONTO LAW JOURNAL 197-213 (2009)

*Economics of Law as Choice of Law*, 71 LAW AND CONTEMPORARY PROBLEMS 73-104 (Summer 2008)

Chinese translation forthcoming

*The New European Choice-of-Law Revolution*, 82 TULANE LAW REVIEW 1607-1644 (2008)

*Public and Private International Law – German Perspectives on Global Issues* (review essay), 4 JOURNAL OF PRIVATE INTERNATIONAL LAW 121-138 (2008)

*The True Lex Mercatoria: Private Law Beyond the State*, 14 INDIANA JOURNAL OF GLOBAL LEGAL STUDIES 447-468 (2007)



Chinese translation forthcoming

*Private Law and the State. Comparative Perceptions, Historical Observations, and Basic Problems* (with Nils Jansen), 71 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 345-397 (2007)

*Max Planck Institute for Comparative and International Private Law, Comments on the European Commission's Proposal for a Regulation of the European Parliament and the Council on the law applicable to contractual obligations (Rome I)* (co-author), 71 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 225-344 (2007)

*Private Law Beyond the State. Europeanization, Globalization, Privatization* (with Nils Jansen), 54 AMERICAN JOURNAL OF COMPARATIVE LAW 845-892 (2006)

*Two Paradigms of Jurisdiction*, 27 MICHIGAN JOURNAL OF INTERNATIONAL LAW 1003-1069 (2006)

*EU Law as Private International Law? Reconceptualising the Country-of-Origin Principle as Vested Rights Theory*, 2 JOURNAL OF PRIVATE INTERNATIONAL LAW 195-242 (2006)

Romanian Translation forthcoming in REVISTA DE DREPT INTERNATIONAL PRIVAT ŞI DREPT PRIVAT COMPARAT ("Review of Private International Law and Comparative Private Law")

*US-Gerichte als Weltgerichte: Die Avantgarde der Globalisierung* [US Courts as World Courts: The Avant-garde of Globalization], 31 DAJV-NEWSLETTER 46-54 (2006)

*The Re-State-ment of Non-State Law. The State, Choice of Law, and the Challenge from Global Legal Pluralism*, 51 WAYNE LAW REVIEW 1209-1259 (2005)

*Profile: Arthur Taylor von Mehren*, 7 INTERNATIONAL LAW FORUM DU DROIT INTERNATIONAL 213-218 (2005)

*Welche Globalisierung für das Recht? Welches Recht für die Globalisierung?* [Which Globalization for the Law? Which Law for Globalization?] (review essay), 69 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT, 525-544 (2005)

*US-Gerichte als Weltkartellgerichte?* [US Courts as World Antitrust Courts?] (with Daniel Zimmer), 24 PRAXIS DES INTERNATIONALEN PRIVAT- UND VERFAHRENSRECHTS 451-457 (2004)

*Fünf Minuten Rechtsvergleichung* [Five Minutes of Comparative Law] (review essay), 4 RECHTSGESCHICHTE 239-242 (2004) *Die Auslegung und Fortbildung ausländischen Rechts* [Interpreting and Developing Foreign Law] (with Nils Jansen), 116 ZEITSCHRIFT FÜR ZIVILPROZESS 3-56 (2003)

*Hamburg Group for Private International Law, Comments on the European Commission's Draft Proposal for a Council Regulation on the Law Applicable to Non-Contractual Obligations* (co-author), 67 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 1-56 (2003)

*Three Paradigms of Legal Unification: National, International, Transnational*, PROCEEDINGS OF THE 96TH MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW, 333-336 (2002)

*Gerichtsverfassung und Verfahrensstrukturen in föderalen Gemeinwesen – Diskussionsbericht* [Courts and Proceedings in Federal Systems – Discussion Report], 66 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 357-364 (2002)

*Im Westen nichts neues? Zum Stand der Rechtsvergleichung 100 Jahre nach dem Pariser Kongress – Gedanken anlässlich einer Jubiläumskonferenz in New Orleans* [Nothing new in the West? On the State of Comparative Law 100 Years after the Paris Congress – Reflections on the

Occasion of a Centennial Conference in New Orleans], 66 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 97-115 (2002)

*Grundlagen eines allgemeinen gemeinschaftlichen Richtlinienkollisionsrechts – „Amerikanisierung“ des Gemeinschafts-IPR?* [Foundations of EC conflict of laws regarding community directives – „Americanisation“ of EC conflict of laws?] (with Hans-Georg Kamann), 12 EUROPÄISCHES WIRTSCHAFTS- UND STEUERRECHT 301-311 (2001)

*Standortwettbewerb als Rechtsfigur – die Entscheidung des OVG Hamburg zum Airbus A 380 im Lichte der Globalisierungsdebatte* [Institutional Competition as a Legal Concept – the Decision of the Hamburg Appeals Court in Administrative Matters on the Airbus A 380 in the Light of Globalization Debate], 34 KRITISCHE JUSTIZ 458-465 (2001)

*Globale Wirtschaft und lokale Gesetzgebung – Zu einem neuen Urteil des US Supreme Court* [Global Economy, Local Legislation – On a new judgment by the US Supreme court (Crosby v. National Foreign Trade Council)], 100 ZEITSCHRIFT FÜR VERGLEICHENDE RECHTSWISSENSCHAFT 182-195 (2001)

*Pragmatismus und Realismus für die Haager Verhandlungen zu einem weltweiten Gerichtsstands- und Vollstreckungsübereinkommen* [Pragmatism and Realism for the Hague Negotiations on a Worldwide Convention on Jurisdiction and Enforcement of Judgments] (with Arthur T. von Mehren), 25 DAJV-NEWSLETTER 124-128 (2000)

*Anerkennung internationaler Schiedssprüche und ordre public – Anm zu OGH 23.2.1998 – 3 Ob 115/95, ZfRV 1999, 24* [Enforcement of International Arbitration Awards and ordre public], 40 ZEITSCHRIFT FÜR RECHTSVERGLEICHUNG 5-9 (1999)

*Privatautonomie und Privatkodifikation – Zu Anwendbarkeit und Geltung allgemeiner Vertragsrechtsprinzipien* [Party Autonomy and Private Codifications – On Applicability and Validity of Common Principles of Contract Law], 62 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 580-626 (1998)

*Sharp Distinctions and Floating Transitions – A German View of Sharp v. Thompson (House of Lords), 1997 SLT 636, 4 EUROPEAN REVIEW OF PRIVATE LAW 407 (1998)*

Cited in 114 SCOTTISH LAW COMMISSION, DISCUSSION PAPER ON *SHARP V THOMSON* (July 2001) and SCOTTISH LAW COMMISSION, REPORT ON *SHARP V THOMSON* (December 2007)

*Vorzeitiger Erbausgleich und internationales Privatrecht* [The illegitimate child's succession rights in the conflict of laws], 18 PRAXIS DES INTERNATIONALEN PRIVAT- UND VERFAHRENSRECHTS 192 (1998)

*Schiffsgläubigerrecht und Auslandsveräußerung – Anmerkung zu BGH, TranspR 1997, 156* [Security Rights in Ships Sold Abroad], 20 TRANSPORTRECHT 330 (1997)

*Der Abbruch der Weiterverweisung im deutschen internationalen Privatrecht* [Breaking the Circle of Second Degree Renvoi in German Conflict of Laws], 61 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 685-713 (1997)

*Europäisches Verbraucherschutzrecht und IPR* [European Consumer Law and Choice of Law] (with Hans-Georg Kamann), 52 JURISTENZEITUNG 601-610 (1997)

### **Untitled Book Reviews, Forewords, Case Notes and Conference Reports**

*Book Review: Pluralism and Development: Scholars and Practitioners in Dialogue*, (Brian Z. Tamanaha, Caroline Sage, and Michael Woolcock eds., Cambridge University Press 2012), LAW & SOCIETY REVIEW \_\_\_\_\_ (2012)

*Book Review: Moritz Renner, Zwingendes transnationales Recht. Zur Struktur der Wirtschaftsverfassung jenseits des Staates [Mandatory Transnational Law. On the Structure of the Economic Constitution Beyond the State]. Baden-Baden: Nomos, 2011, 10 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW \_\_\_\_\_ (2012)*

*Foreword: The Bernstein Memorial Lecture—The First Six Years*, in Duke Law CICLOPs 1, pp. ix-xii (June 2009)

*Conference Report: The New European Choice-of-Law Revolution: Lessons for the United States? A Conference at Duke Law School* (with Catherine H. Gibson), 29 PRAXIS DES INTERNATIONALEN PRIVAT- UND PROZESSRECHTS 373-375, also at <http://www.law.duke.edu/cicl/pdf/choiceoflaw-lessons.pdf>.

*Beyond the State? Rethinking Private Law. Introduction to the Issue* (with Nils Jansen), 56 Am. J. Comp. L. 527-539 (2008); also in BEYOND THE STATE: RETHINKING PRIVATE LAW 1-12 (Nils Jansen & Ralf Michaels eds. 2008)

*Foreword* (with Karen Knop & Annelise Riles), 71 LAW AND CONTEMPORARY PROBLEMS 1-17 (Summer 2008)

*Public and Private Law in the Global Adjudication System: Three Questions to the Panelists*, 18 DUKE JOURNAL OF COMPARATIVE & INTERNATIONAL LAW 253-258 (2008)

*Book Review: Denationalisierung des Privatrechts? Symposium anlässlich des 70. Geburtstages von Karl Kreuzer (Eva-Maria Kieninger ed., Tübingen: Mohr Siebeck 2005), 72 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 397-403 (2008)*

*Book Review: Jan Smits (ed.), The Need for a European Contract Law: Empirical and Legal Perspectives, 15 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 950-952 (2007)*

*Book Review: Mistake, Fraud, and Duties to Inform in European Contract Law (Ruth Sefton-Green ed., 2005)*, 2005, <http://www.europeanlawbooks.org/reviews/detail.asp?id=81>

*Case Note: F. Hoffmann-LaRoche Ltd. v. Empagran S.A.*, <http://www.law.duke.edu/publiclaw/supremecourtonline/commentary/fhovemp.html>

*Book Review: Towards a European Ius Commune in Legal Education and Research (Michael Faure et al. eds., 2002), 12 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 874 (2004)*

*Conference Report: Epistemology and Methodology of Comparative Law in the Light of European Integration, Brüssel, 26. bis 28. Oktober 2002, 11 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 453 (2003)*

*Conference Report: 11. Tagung der International Academy of Commercial and Consumer Law (with Giesela Rühl), 67 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 353 (2003)*

*Book Review: Rethinking the Masters of Comparative Law (Annelise Riles ed., Hart 2001)*, 4 GERMAN LAW JOURNAL 411 (2003)

*Book Review: Basil S. Markesinis, Always on the Same Path. Essays on Foreign Law and Comparative Methodology, Volume II, 10 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 903 (2002)*

*Book Review: Klaus Adomeit & Guillermo Frühbeck, Einführung in das spanische Recht: Das Verfassungs-, Zivil-, Wirtschafts- und Arbeitsrecht des Königreichs Spanien (Munich: Beck, 2<sup>nd</sup> ed. 1999), 18 INFORMACIONES 103 (2002)*

*Book Review: Sylvia Sella-Geusen, Doppelverkauf – Zur Rechtsstellung des ersten Käufers im gelehrten Recht des Mittelalters, Berlin 1999, 10 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 423 (2002)*

*Book Review: Peter A. Reichart, Der Renvoi im schweizerischen IPR, Zürich 1996; Hans Kuhn, Der Renvoi im internationalen Erbrecht der Schweiz, Zürich 1998, 65 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 320 (2001)*

*Book Review: Tony Weir, Economic Torts (Clarendon Lectures), Oxford 1997, 65 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 351 (2001)*

*Book Review: Petar Šarčević & Paul Volken (eds.), Yearbook of Private International Law, Volume I-1999, The Hague-London-Boston 1999, 48 NETHERLANDS INTERNATIONAL LAW REVIEW 108-112 (2001)*

*Book Review: Peter Cane & Jane Stapleton (eds.), The Law of Obligations – Essays in Celebration of John Fleming, Oxford 1998, 9 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 425 (2001)*

*Book Review: Cordula Thoms, Einzelstatut bricht Gesamtstatut. Zur Auslegung der „besonderen Vorschriften“ in Art. 3 Abs. 3 EGBGB (Studien zum ausländischen und internationalen Privatrecht 51), Tübingen 1996, 64 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 177 (2000)*

*Book Review: Heinrich Nagel & Peter Gottwald, Internationales Zivilprozeßrecht, 4th ed., Münster 1997, 6 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 1050 (1998)*

## Miscellaneous

*US Courts as World Courts, 12 WASEDA PROCEEDINGS OF COMPARATIVE LAW 109-114 (2009).*

[\*The Attorney General Looks Abroad\*](#) (Op-Ed), THE NEWS AND OBSERVER, August 31, 2006

*Zu guter Letzt: Die Festschriften der Gesellschaft, 14 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 960-962 (2006)*

*Code vs. Code. Images of Code in the French Resistance to European Codification, in DOUBLE MAITRISE ASSOCIATION PARIS II / CAMBRIDGE UNIVERSITY, FIRST SPRING CONVENTION 26-28 (2006)*

*US Courts as World Courts, in FOR BOB MUNDHEIM 36-41 (American Academy in Berlin ed., 2006)*

[\*\[In memoriam\] Arthur Taylor von Mehren, 10. August 1922 – 17. Januar 2006\*](#) (with Giesela Rühl), 70 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 233-234 (2006)

[\*George W. Schröder\*](#) (Op-ed), DER TAGESSPIEGEL, September 22, 2005

*Justice, thwarted by secrecy* (Op-Ed), THE NEWS & OBSERVER, April 6, 2004

*U.S. provides visitors not-so-warm welcome* (Op-Ed), ATLANTA JOURNAL-CONSTITUTION, February 16, 2004

[\*Same Sex Marriage: Canada, Europe, and the United States\*](#), ASIL INSIGHTS, JUNE 2003

*Zu guter Letzt: Kannitverstaan in Zürich, 10 ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT 428 (2002)*

*Echo (Der praktische Fall – Internationales Privatrecht: Eine Düngemittelanlage für China), 40 JURISTISCHE SCHULUNG 936 (2000)*

*Welches europäische Vertragsrecht braucht die Wirtschaft?*, in *EUROPA ALS UNION DES RECHTS – EINE NOTWENDIGE ZWISCHENBILANZ IM PROZESS DER VERTIEFUNG UND ERWEITERUNG* 158-159 (Hanns Martin Schleyer-Stiftung ed., 1999)

*Zu guter Letzt: My Own Private Switzerland*, 7 *ZEITSCHRIFT FÜR EUROPÄISCHES PRIVATRECHT* 197 (1999)

*Echo (Der praktische Fall – Internationales Privatrecht: Eine unsichere Sicherheit)*, 38 *JURISTISCHE SCHULUNG* 192 (1998)

## **Working Papers**

*Against Legal Pluralism* (2010)

*US Courts as World Courts – The Avant-garde of Globalization* (2006)

*Code versus Code. The French Resistance to a European Civil Code and to the World Bank's Doing Business Reports* (2006)

## **Amicus Curiae Brief**

*F. Hoffmann-La Roche, Ltd., et al. v. Empagran, S.A., et al.*, 542 U.S. 155 (2004) (with Hannah Buxbaum and Horatia Muir Watt)

[http://supreme.lp.findlaw.com/supreme\\_court/briefs/03-724/03-724.mer.ami.intlawprofs.pdf](http://supreme.lp.findlaw.com/supreme_court/briefs/03-724/03-724.mer.ami.intlawprofs.pdf)

## **Conferences, Workshops, and Panels Organized**

What is Private International Law?, Duke Law School, November 2/3, 2012

Hot Topics Panel on Financial Regulation, Sovereignty, and Comparative Law, Annual Meeting, American Society of Comparative Law, University of Iowa College of Law, October 4-6, 2012

[Hot Topics Panel on Revolution and Constitution, Annual Meeting, American Society of Comparative Law](#), University of the Pacific, McGeorge Law School, Sacramento, CA, Oct 21, 2011

[Private Law Theory](#) (with Fernanda Nicola), American University, Washington DC, July 28, 2010

[General Jurisprudence – A Symposium in Honor of William Twining](#), Duke, April 6, 2009

Proceedings to be published as issue 2 of CICLOPs – (Duke) Center for International and Comparative Law Occasional Papers

[The Doing Business Reports by the World Bank and the Legal Origins Thesis: Is Economics Replacing Comparative Law?](#), AALS Annual Meeting, San Diego, January 9, 2009

Proceedings published in [57/4 American Journal of Comparative Law 765-876 \(2009\)](#)

[The New European Choice-of-Law Revolution – Lessons for the United States?](#), Durham, February 2008.

Proceedings published as [82/5 TULANE LAW REVIEW \(2008\) \(pp. 1607-2180\)](#).

[Conflict of Laws in a Globalized World – In Memoriam Arthur T. von Mehren](#) (with Eckart Gottschalk, Giesela Rühl, Jan von Hein), Hamburg, November 24, 2007.

Proceedings based on contributions to [CONFLICT OF LAWS IN A GLOBALIZED WORLD \(CUP 2007\)](#)

[Beyond the State? Rethinking Private Law](#) (with Nils Jansen), Hamburg, July 2007

Conference reports: Martin Flohr, *Beyond the State? Rethinking Private Law. Symposium in Hamburg am 12. und 13. Juli 2007*, 72 *Rechts Zeitschrift für ausländisches und internationales Privatrecht* 391-96 (2008); Alexandra Kemmerer, *Auf dem globalen Basar – Juristen feilschen in Hamburg um den Wert des Privatrechts*, *Frankfurter Allgemeine Zeitung*, 30 August, 2007, p. 35; Jens Kleinschmidt, *Tagungsbericht – “Beyond the State? Rethinking Private Law,”* 62 *Juristenzeitung* 1044-45 (2007).

Proceedings published as 56/3 *AMERICAN JOURNAL OF PRIVATE LAW* (2008) (pp. 527-843) and as *BEYOND THE STATE RETHINKING PRIVATE LAW* (Nils Jansen & Ralf Michaels eds., Mohr Siebeck 2008).

2<sup>nd</sup> Annual Workshop of the German Law Journal (with Russell Miller, Peer Zumbansen), Durham, October 2004.

Proceedings published in [5/12 GERMAN LAW JOURNAL, PP. 1413-1520 \(2004\)](#)

### Select Presentations

Keynote Speaker, *Party Autonomy*, Japanese Society of Private International Law, Tokyo, June 1, 2012

Speaker, *Was ist Recht jenseits des Staates?* (What Is Law Beyond the State?), Bremen University, October 11, 2012

Presenter, Rethinking the UNIDROIT Principles of International Commercial Contracts, [Conference: Stateless Law? The Future of the Discipline](#), McGill Faculty of Law, Montreal, September 28, 2012

Presenter, *Global Conflicts*, Workshop on Comparison and Comparability of Legal Cultures, Max Planck Institute for Social Anthropology, Halle, September 13, 2012

Panelist, Roles and Role Perceptions in International Arbitration, Workshop on Private Law Theory, Washington & Lee University, July 21, 2012

Chair and General Reporter, Panel: Soft codification of private law, Codification—Thematic Congress of the International Academy of Comparative Law, National Taiwan University, Taipei, May 26, 2012

Speaker, *European Legal Culture—Critical Perspectives*, University of Torino, May 7, 2012

Presenter, *Global Class Actions – The Applicable Law*, Conference on Class Actions – The European Way, Brussels, April 27, 2012

Participant, ILA working group on Engaging with International law, meeting in Amsterdam, March 16-17, 2012

Panelist, Panel on The Beginning of Humanity: A Discussion Panel on When Personhood Begins, Duke Law School, February 23, 2012

Presenter, *Is the New Lex Mercatoria Customary? And if not, so what?*, Seminar: Customs, Duke Law School, February 11, 2012

Presenter, *Code vs Code? Images of Code in the French Resistance to European Codification*, Conference: Private Law and Nationalism, Amsterdam University, February 3, 2012

Presenter, *Post-Critical Private International Law: From Politics to Technique*, Lecture series: Private International Law as Global Governance (PILAGG), SciencesPo, Paris, December 8, 2011

Public Lecture, [Dreaming Transnational Law](#), London School of Economics, November 17, 2011

Workshop Presenter, *Of Islands and the Ocean – The Two Rationalities of European Private Law*, Comparative Law Discussion Group, Oxford University, November 3, 2011

Presenter, *Conflict of Laws, lex mercatoria and International Public Goods*, Symposium: Global Public Goods and the Plurality of Legal Orders, European University Institute Florence, October 24, 2011

Presenter, *Post-Critical Private International Law: From Politics to Technique*, Workshop: Conflicts Law on Trial, Loccum, October 18, 2011

Presenter, *Make or Buy? A New Look at Legal Transplants*, Workshop: Law as a Product, Center for Advanced Studies, Munich, October 14, 2011

Presenter, *Make or Buy? A New Look at Legal Transplants*, Workshop: Order from Constitutional Transfer – Problems and Projects of Comparative Constitutional Studies, Bad Homburg, September 31, 2011

Presenter, *Of Islands and the Sea: The Two Rationalities of European Private Law*, Aktuelle Stunde, Max Planck Institute for Comparative Law and Private International Law, Hamburg, June 29, 2011

Invited Participant, Law of the Future Forum (closed workshop), Hague Institute for the Internationalisation of Law, The Hague, June 23, 2011

Commentator, workshop: Transnational Commercial Law: Private Rules and Public Interests (commenting on a paper by Hugh Collins), London School of Economics, June 17, 2011

Commentator, workshop: The Interpretation, Application and Enforcement of International Law (commenting on a paper by Lisa Conant), Temple University, May 13, 2011

Keynote Speaker, *What Private International Law is About*, Journal of Private International Law Conference, Milan, April 15, 2011

Keynote Speaker, *Rollen und Rollenverständnisse im Internationalen Recht – Privatrechtliche Aspekte (The Roles of Scholars and Practitioners in International Law – Private Law Aspects)*, Biannual Conference, German Society of International Law, Cologne, March 31, 2011

Keynote Speaker, *Neocolonialism in European Private Law? Lessons from the legal pluralism debate*, Conference: Pluralism and European Private Law, Exeter, March 25 (paper presented in absentia)

Panelists, *Legal Origins, Doing Business and Rule of Law Indicators: The Economic Evaluation of Legal Systems*, Annual Conference of the American Society of International Law, Washington, DC, March 24, 2011

Panelist, *Comparing Law: Debates on Method* (with Pierre Legrand), Duke Law School, February 16, 2011

Panelist, CICL-CLRP Scholarship Roundtable: Challenges to Democracy in Divided Societies, Duke Law School, January 29, 2011

Panelist, *Beyond the State? Comparative Approaches to Group Political Identity in the Age of the Transnational*, (with Karen Knop and Annelise Riles), AALS Annual Meeting, San Francisco, January 8, 2011

Seminar presenter, *The Mirage of Nonstate Governance*, University of Minnesota, November 22, 2010

Panelist, *National Law in a Global Context*, Symposium LAPA 10 year anniversary, Princeton University, October 22, 2010

Commentator, Roundtable: Law Beyond Borders: Jurisprudence for a Hybrid World, Temple University, October 8, 2010

Faculty Roundtable Discussant, University of Pennsylvania School of Law, *Why Law and Economics Succeeded in the United States and Failed (Almost) Everywhere Else*, Philadelphia, September 28, 2010

Keynote speaker, *Against Legal Pluralism*, Annual Conference of Centre of Excellence in Foundations of European Law and Polity Research: “Rethinking Legal Thinking,” Helsinki University, August 27, 2010

Introduction, Workshop: Private Law Theory, American University, Washington DC, July 28, 2010

Commentator, Workshop “International Law and Legal Pluralism,” Bad Homburg, July 2, 2010

Presenter, *US Courts as World Courts*, Summer Faculty Workshop, University of Toronto, June

Presenter, *Two Rationalities of European Private Law*, Seminar of the Centre for European Contract Law, University of Amsterdam, March 29, 2010

Presenter, *Jurisdiction and Choice of Law in International Antitrust: A US Perspective*, Conference on International Antitrust Litigation: Conflict of Laws and Coordination, Brussels, March 26, 2010

Presenter, *US Courts as World Courts – Practice, Theory, Legitimacy*, LAPA Seminar Series, Princeton University, November 23, 2009 (with comments by Stephen Macedo)

Presenter, *Empagran’s Empire – The Territorial Scope of Statutes in a Deterritorialized World*, Conference on the U.S. Supreme Court and International Law: Continuity or Change?, Santa Clara University, Nov 7, 2009

Presenter, *Global Legal Pluralism, and Feminism and Multiculturalism through the Lens of Private International Law* (with Karen Knop and Annelise Riles), Conference on Law, Culture and Development in a Transnational Legal Environment, Maison Franco-Japonaise, Tokyo, June 20, 2009

Presenter, *New Developments in European Private International Law*, Chuo University, Tokyo, June 19, 2009

Presenter, *US Courts as World Courts*, Waseda University, Tokyo, June 18, 2009

Presenter, *International Law in US Law*, Doshisha University, Kyoto, June 11, 2009

Presenter, *US Courts as World Courts*, Kyushu University, Fukuoka, June 4, 2009

Presenter, *Multisource Equivalent Norms in Public International Law – A Conflict-of-Laws Solution?* (with Joost Pauwelyn), Conference on Multisource Equivalent Norms, Hebrew University, Jerusalem, May 24, 2009

Commentator, *A Possible Restatement Third*, Bi-Annual Conference of the Journal of Private International Law, New York University, April 18, 2009

Presenter, *International Law in Domestic Courts – A Conflict of Laws Approach* (with Karen Knop), Cutting Edge Panel, American Society of International Law, Annual Meeting, Washington DC, March 27, 2009

Presenter, *US Courts as World Courts*, Graduate Institute of International Studies, Geneva, March 20, 2009

Presenter, *New Developments in US Conflict of Laws?*, Conference on the occasion of the 10th Anniversary of the Yearbook of Private International Law: The Future of PIL between National



and International Codifications and Case Law, Swiss Institute of Comparative Law, Lausanne, March 19, 2009

Panelist, *Application of the UNIDROIT Principles by arbitral tribunals and courts*, Conference: Application of the UNIDROIT Principles, London Court of International Arbitration / London School of Economics, February 26, 2009

Presenter, *L'applicabilité des Principes*, Conference: Les Principes Unidroit relatifs aux contrats du commerce international, International Chamber of Commerce, Paris, February 25, 2009

Presenter, *Global Legal Pluralism*, Comparative Law Symposium, Villanova University, February 18, 2009

Presenter, *Global Legal Pluralism*, Global Law Workshop, George Washington University, February 9, 2009

Presenter, *The Mirage of Non-State Governance*, Symposium: Non-State Governance, University of Utah, February 6, 2009

Chair and Presenter, *The Doing Business Reports by the World Bank and the Legal Origins Thesis: Is Economics Replacing Comparative Law?*, American Association of Law Schools Annual Meeting 2009, Joint Program of Sections on Comparative Law and Law and Economics, San Diego, January 9, 2009

Presenter, *Multi-Source Equivalent Norms – A Private International Law Perspective*, Workshop of the Study Group on Multi-Sourced Equivalent Norms, University of Amsterdam, December 5, 2008

Presenter, *The New European Choice-of-Law Revolution*, Fundação Armando Alvares Penteado (FAAP), São Paulo, November 5, 2008

Presenter, *US Courts as World Courts*, Faculty Workshop, Stanford Law School, August 28, 2008

Presenter, *New Functionalism in Comparative Law*, Yale Law School, Seminar: Advanced Comparative Law, February 26, 2008

Presenter, *Three Questions to the Panelists (Introduction)*, Conference: Public and Private Law in the Global Adjudication System, Duke Law School. February 15, 2008

Presenter, *The New European Choice-of-Law Revolution*, Conference: A New European Conflicts Revolution? Lessons for the United States, Duke Law School, February 9, 2008

Presenter, *Global Legal Pluralism*, Max Planck Institute for Social Anthropology, Halle, November 26, 2007

Panelist, *The Return of Private Law*, Panel: The Culture of Public & Private, Annual Meeting of the American Society of Comparative Law, Cornell University, November 9, 2007

Presenter, *From Conflict of Laws to Private International Law as Global Governance* (with Karen Knop and Annelise Riles), Globalization, Law & Justice Workshop Series, University of Toronto, November 1, 2007

Presenter, *Globalizing Savigny? The State in Savigny's Private International Law and the Challenge from Europeanization and Globalization*, Panel: Episodes in the History of Modern Territorialism, Annual Meeting of the American Society of Legal History, Tempe, AZ, October 27, 2007

Presenter, *Evolution and Differentiation of Legal Systems – Towards a Constructal Theory of Law?*, Workshop: Constructal Theory and Social Dynamics, Duke University Dept. of Engineering, April 23, 2007

Keynote Speaker, *Functionalist Comparative Law – Bottom Up or Top Down?* Conference: The "Bottom-Up-Approach" to Comparative Law. Leuven, December 21, 2006

Presenter, *The True New Lex Mercatoria*. Conference contribution: Governing Contracts – Public and Private Perspective, Osgoode Hall Law School, Toronto, November 10, 2006

Presenter, *The Reluctant World Court. Three Readings of the Supreme Court Decision in Empagran*. Conference: International Law after the Three Worlds. American University, September 15, 2006

Presenter, *The Applicability of the UNIDROIT Principles*. Workshop on the UNIDROIT Principles of International Commercial Contracts, Oxford University, July 7, 2006

Keynote Speaker, *Old Functionalism, New Functionalism and the Common Core of European Private Law*. 11<sup>th</sup> Annual Meeting of the Common Core of European Private Law Project, Trento, June 30, 2006

Presenter, *EU Law as Conflict of Laws – The Return of Vested Rights?*, Invited Lecture: Centre of European Law and Politics at the University of Bremen Centre of European Law and Politics at the University of Bremen, May 19, 2006

Presenter, La mixité du droit américain. Développements actuels en théorie et pratique des sources du droit (*The Mixed Character of American Law. Current Developments in theory and practice of Sources of Law*). Conference: Les sources du droit: aspects contemporains, Université St. Joseph, Beirut, Lebanon, May 11, 2006

Presenter, Europarecht und Vested Rights Theory (*EU Law as Conflict of Laws – The Return of Vested Rights?*), Max Planck Institute for Comparative Private Law and Private International Law, Hamburg, May 7, 2006

Presenter, *What Concept of Law is Required for Comparative Arguments in Judicial Decisions?*, Workshop, Max Planck Institute for Comparative Private Law and Private International Law, Hamburg, May 5, 2006

*Two Paradigms of Jurisdiction*, Faculty Workshop, Cornell Law School, April 11, 2006

*Economics of Law as Choice of Law: Repetition and Replication*, Conference contribution: "Rethinking the Private in Private International Law", Cornell University, April 8, 2006

*The Return of Vested Rights*, Conference contribution: "Rethinking the Private in Private International Law", Cornell University, April 7, 2006

*Code versus Code: Images of Code in the French Resistance to European Codification of Contract Law*, conference contribution, Université Paris II, March 22, 2006

*US-Gerichte als Weltgerichte – die Avantgarde der Globalisierung (US Courts as World Courts: The Avant-Garde of Globalization)*, Lisa and Heinrich Arnhold Lecture, Dresden, Dec 2, 2005

*US Courts as World Courts: The Avant-Garde of Globalization*, Lloyd Cutler Lecture, American Academy in Berlin, Nov 15, 2005

*Die Globalisierung des US-Kartellrechts (The Globalization of US Antitrust Law)*, invited presentation, Wilmer Cutler Pickering Berlin, Germany, Oct 5, 2005

*Private Law Beyond the State* (with Nils Jansen), Summer University, German Scholarship Foundation, Salem, Germany, Aug 24, 2005

*EU Law as Conflict of Laws – The Return of Vested Rights?*, Keynote Speech at International Conference to launch the Journal of Private International Law, Aberdeen, UK, Mar 29, 2005

*Economic Analysis of Choice of Law in Torts*, Conference Presentation, „An economic analysis of private international law“, Naoshima, Japan, Mar 15, 2005

*Cosmopolitan Choice of Law, 19th Century Style*, Conference Presentation, Joint Meeting of the Private International Law and the Law and Anthropology Interest Groups, American Association of Law Schools, Annual Meeting, San Francisco, Jan 6, 2005

*The Latest Conflict of Laws Revolution? A Primer in EU Conflict of Laws*, Guest Lecture, Cornell Law School, Nov 19, 2004

*Comparative Law and Human Rights – The Transatlantic Dimension: The Death Penalty*, Panel Contribution, Annual Meeting, American Society of Comparative Law, Annual Meeting, Michigan University School of Law, Oct 22, 2004

*Code vs. Code. European Civil Code, French Cultural Resistance, and the Pluralism of European Private Law*, Lecture, European Legal Research Center, Harvard Law School, European Private Law Speaker Series, Sep 24, 2004

*La délocalisation de compétence judiciaire pour contrats et délits (De-Placing Jurisdiction for Contracts and Torts)*, Conference Presentation, Symposium, “Transnational Civil Litigation in the European Judicial Area and in Relations with Third States”, ULB, Brussels, Jan 23, 2004

*Territorial Jurisdiction after Territoriality*, Max Planck Institute for Foreign and International Private Law, Workshop Presentation, Hamburg, Germany, Nov 17, 2003

*Globalization and the Brussels Regulation*, Workshop Presentation, “Judicial Cooperation between European and Third States”, Barcelona University, Oct 24, 2003

*Double Sales, Single Doctrines – Towards a Reconceptation of the Relation Between Property and Obligations*, Workshop Presentation, Universitat Pompeu Fabre, Barcelona, Oct 23, 2003

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