

Tobias Smith

(Updated December 2020)

EDUCATION

- 2020 **Ph.D.**, Jurisprudence and Social Policy, University of California, Berkeley
Dissertation: *The Contradictions of Chinese Capital Punishment*
- 2015 **J.D.**, University of California, Berkeley Law School
- 2005 **B.A.**, Oberlin College of Arts and Sciences
Majors: East Asian Studies, Philosophy; Minor: Economics
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PROFESSIONAL EXPERIENCE & APPOINTMENTS

- 2020- **Visiting Scholar**, Department of Political Science, San Francisco State University
- 2018- **Contributing Researcher**, The Dui Hua Foundation, San Francisco, CA
- 2013-2020 **Graduate Student Instructor**, Department of Legal Studies, UC Berkeley
- 2008-2011 **Program Officer**, The Dui Hua Foundation, San Francisco, CA
- 2007-2008 **Litigation Assistant**, The Prison Law Office, San Quentin, CA
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PUBLICATIONS

Peer-reviewed Articles

- Forthcoming *Suspended Execution Beyond China's Borders* (with Daniel Pascoe) ASIAN JOURNAL OF LAW AND SOCIETY.
- 2021 *Experimental Criminology and the Free-Rider Dilemma* (with Johann Koehler) 61 BRITISH JOURNAL OF CRIMINOLOGY 209.
- 2020 *Body Count Politics: Quantification, Secrecy and Capital Punishment in China* 45 LAW & SOCIAL INQUIRY 706.
Winner of the 2019 LAW & SOCIAL INQUIRY Graduate Student Paper Prize
Winner of the 2019 Asian Law & Society Association Graduate Student Article Award
- 2019 *Making Sense of Life without Parole in China* (with Su Jiang) 21 PUNISHMENT & SOCIETY 70.

Invited Publications

Forthcoming *Borges, the Keystone and the Legal Imagination*, in *THE CABINET OF IMAGINARY LAWS* (THANOS ZARTALLOUDIS AND PETER GOODRICH, EDS.).

2019 *Harsh Justice?* 4 *MADE IN CHINA: A QUARTERLY ON CHINESE LABOUR, CIVIL SOCIETY, AND RIGHTS* 64.

2019 *Power Surge: China's New National Supervisory Commission*, in *CHINA STORY YEARBOOK 2018: POWER* 30 (JANE GOLLEY, LINDA JAIVIN & PAUL J. FARRELLY EDS.).

Book Reviews

2018 “Book Review: *The Will to Punish*, by Didier Fassin & *The Death Penalty, Vol. II*, by Jacques Derrida.” 59 *BRITISH JOURNAL OF CRIMINOLOGY* 1254.

2016 “Book Review: *The Routledge Handbook of Chinese Criminology*, by Liqun Cao, Ivan Y. Sun and Bill Heberton, Eds.” 18 *PUNISHMENT & SOCIETY* 514.

Chinese-language Publications and Translations

2018 *Making Sense of Life without Parole in China*, in *THE CRIMINAL LAW REVIEW: NEW VISION OF CRIMINAL LAW* (SU JIANG ED.) (Chinese reprint).

2017 Translator for Genlin Liang, *The Vicissitudes of Chinese Criminal Law and Theory: A Study in History, Culture and Politics*, 5 *PEKING UNIVERSITY LAW JOURNAL* 25.

Advocacy and Policy Writing (Selected)

2020 *US Federal Government Embraces Capital Punishment Leading Up to UN Review*, Dui Hua Foundation *Human Rights Journal*, Oct. 28, available at: <https://www.duihuahrjournal.org/2020/10/us-federal-government-embraces-capital.html>

2019 *Hurry Up and Wait: The Robert Schellenberg Case*, Dui Hua Foundation *Human Rights Journal*, May 31, available at: <https://www.duihuahrjournal.org/2019/05/hurry-up-and-wait-robert-schellenberg.html>

2018 *Mixed Signals in Reports of ‘Zero Confession’ Executions*, Dui Hua Foundation *Human Rights Journal*, June 6, available at: <https://www.duihuahrjournal.org/2018/06/mixed-signals-in-reports-of-zero.html>

AWARDS & HONORS

2019 Asian Law & Society Association (ALSA) Graduate Student Article Award For “Body Count Politics: Quantification, Secrecy and the Death Penalty in China”

- 2019 *Law & Social Inquiry* Graduate Student Paper Prize
For “Body Count Politics: Quantification, Secrecy and the Death Penalty in China”
- 2018 Jiang-Land-Wang Outstanding Student Paper Award
The Association of Chinese Criminology and Criminal Justice in the US
For “Partial Disclosure: Secrecy and Transparency in China’s Death Penalty Decisions”
- 2015 The Lloyd McCullough Robbins Award (first prize)
Award for unpublished paper on comparative law or legal history
For “The Other Death: History and Practice of Suspended Execution in China”
- 2015 Jurisprudence Award
Award for highest-ranking student in selected Berkeley Law courses
For achievement in *Criminal Law and the Regulation of Vice*
- 2015 Teaching Effectiveness Award
UC Berkeley Teaching & Resource Center award for pedagogical innovation
For “Attending to Attendance” (invited essay)
- 2015 Outstanding Graduate Student Instructor Award
- 2015 Pass with Distinction, Ph.D. Topical Exam
For “Chinese Criminal Justice in Western Theoretical Perspective”
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FELLOWSHIPS

- 2018 Legal Intersections Research Centre Visiting Scholar Fellowship, University of Wollongong
- 2017 UC Consortium on Social Science and Law Summer Fellowship
- 2017 Confucius China Studies Research Ph.D. Fellowship, Peking University
- 2016 Liu Graduate Research Fellowship in Chinese Studies, UC Berkeley
- 2015 Blakemore Freeman Fellowship, Tsinghua University
- 2014 Center for Chinese Studies Summer Research Grant, UC Berkeley
- 2013 Foreign Language Area Studies (FLAS) Fellowship, UC Berkeley
- 2011 Selznick Fellowship, UC Berkeley
- 2006 Ministry of Education Mandarin Enrichment Scholarship, Taiwan National University

- 2005 Fulbright Research Grant, Fudan University
- 2004 Shansi Association in Asia Study Grant, Foguang Shan Monastery
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PRESENTATIONS & INVITED TALKS

- 2020 “Law in China” (invited lecture), Poli 335: Chinese Government and Politics, Concordia University, Montreal (online), November.
- 2020 “China’s Criminal Justice System” (invited lecture), Law 275.66, Chinese IP Law, Berkeley Law School (online), October.
- 2020 “Body Count Politics” (invited presentation), Following the Data: What the Latest Research says about China’s Legal and IP environment, Berkeley Center for Law and Technology (online), May.
- 2019 “Body Count Politics,” American Society of Criminology, San Francisco, November.
- 2019 “Mass Incarceration” (invited lecture), Legal Studies 170: Crime and Criminal Justice, UC Berkeley, August.
- 2019 “Two Approaches to the Study of Punishment: The Case of the Death Penalty in California” (invited lecture), Peking University Law School, Beijing, June.
- 2019 反思美国死刑：以加州为例 (“Thinking Through American Capital Punishment: The Case of California,” invited paper, in Chinese) Conference on the Adjudication of Drug Offenses, Yunnan University, Kunming, June.
- 2019 “Punishment and Corrections in China: Two Stories of Change” (invited lecture), Criminal Justice 340: Comparative Criminal Justice, San Francisco State University, February.
- 2018 “Legal Reactivity: How a National Secret Shapes the Death Penalty in China” Australia New Zealand Law & Society Association, University of Wollongong, Wollongong, December.
- 2018 “Is China Exporting the Suspended Death Sentence?” Asian Law & Society Association, Bond University, Gold Coast, December.
- 2018 “Punishments and Corrections in China” (invited lecture), Criminology and Criminal Justice 450: Punishments and Corrections, Sonoma State University, September.
- 2018 “U.S.-China Education Business Forum” (invited panelist), AltSchool, San Francisco, August.
- 2018 “A Generation of Law in China: Two Stories of Change” (invited talk) 1990 Institute China Now Teachers Workshop, Redwood City, July.
- 2018 “Is China Exporting the Suspended Death Sentence?” Law & Society Association, Toronto, June.
- 2018 下不为例：裁判文书网与中国死刑实证研究 (“Not to Be Taken as Precedent: *China Judgments Online* and Empirical Research on the Death Penalty in China,” invited paper, in Chinese) Conference on Empirical Research on the Death Penalty, Peking University Law School, Beijing, May.
- 2018 “Mass Incarceration” (invited lecture) Peking University Law School, Beijing, May.
- 2018 “Capital Crimes and Capital Professions: The Death Penalty and the Chinese Defense Bar” Placing Asia Conference, UC Berkeley, April.

- 2018 “Partial Decisions: Presence and Absence in Capital Cases Published by China's Highest Court” Association for Asian Studies, Washington D.C., March.
- 2017 “China’s Death Penalty Review Procedure: An Empirical Inquiry” American Society of Criminology, Philadelphia, November.
- 2017 “Criminal Law in Imperial China” (invited lecture) Legal Studies 161: Law in Chinese Society, UC Berkeley, September.
- 2017 “Capital Offenses and Capital Professions: China’s National Death Penalty Review and the Beijing Criminal Defense Bar” Law & Society Association, Mexico City, June.
- 2016 “The Limits of the Medical Model in Research on Crime and Justice” (with Johann Koehler) American Society of Criminology, New Orleans, November.
- 2016 “What Can Capital Punishment Teach Us about Law & Society in China?” (invited lecture) Legal Studies 161: Law in Chinese Society, UC Berkeley, October.
- 2016 “Life Without Parole: China, the US and the Future” (invited paper) US-China Exchange on Empirical Criminal Justice Studies, Guanghua Law School, Hangzhou, China, June.
- 2015 “Proposition 89 Reconsidered: Governors and Parole Authority in California” Law & Society Association, Seattle, May.
- 2014 “Extended Reprieve: The Unabridged History of Suspended Execution in China” American Society of Criminology, San Francisco, November.
- 2013 “Executive Power and the Politics of Parole in California” American Society of Criminology, Atlanta, November.
- 2013 “The Other Death: The History and Practice of Suspended Execution in China” Association for the Study of Law, Culture & the Humanities, London, March.
- 2013 “Seeking Approval: Governors, Prisoners and Parole in California” Western Society of Criminology, Berkeley, February.

TEACHING EXPERIENCE

All courses taught at the University of California, Berkeley

Instructor of Record

- 2020 Legal Studies Global Access Program 400, *Law in Action*, Spring
- 2019 Legal Studies Global Access Program 400, *Law in Action*, Fall
- 2019 Legal Studies R1B, *Punishment & Capital Punishment* (Self-designed course), Spring
Student evaluation of teaching: *Mean* = 6.42/7

Graduate Student Instructor

- 2019 Legal Studies 170, *Crime & Criminal Justice*, Summer (with Elizabeth Tejada)
Student evaluation of teaching: *Mean* = 6.40/7
- 2017 Legal Studies 161, *Law in Chinese Society*, Fall (with Rachel Stern)
Student evaluation of teaching: *Mean* = 6.22/7
- 2016 Legal Studies 161, *Law in Chinese Society*, Fall (with Rachel Stern)
Student evaluation of teaching: *Mean* = 6.36/7

- 2015 Legal Studies 109, *Aims & Limits of Criminal Law*, Summer (with Richard Perry)
Student evaluation of teaching: *Mean* = 6.27/7
- 2015 Legal Studies 161, *Law in Chinese Society* Spring (with Robert Berring & Rachel Stern)
Student evaluation of teaching: *Mean* = 6.26/7
- 2014 Legal Studies 109, *Aims & Limits of Criminal Law*, Fall (with Richard Perry)
Student evaluation of teaching: *Mean* = 6.78/7
- 2013 Legal Studies 170, *Crime & Criminal Justice*, Fall (with Richard Perry)
Student evaluation of teaching: *Mean* = 6.15/7
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SERVICE

Peer Reviewer

Asian Journal of Criminology
Asian Journal of Law and Society
Criminology & Criminal Justice
International Journal of Law, Crime and Justice
Law & Social Inquiry
Punishment & Society
Sage Open
Theoretical Criminology

2017-8 Co-Convener, “Placing Asia: Rethinking Methods and Boundaries in Area Studies” UC Berkeley Institute for East Asian Studies Haas Junior Fellows Program for Doctoral Candidates

2015 Student Representative, Jurisprudence and Social Policy Program Admissions Committee

2013-5 Legal Representative, Post-Conviction Advocacy Project

2013 Legal Intern, San Francisco Public Defender’s Office

2012-3 Representative, Boalt Hall Student Association

2012-3 Chair, Criminal Justice Working Group, UC Berkeley

2012-3 Union Steward, UAW 2865, Jurisprudence and Social Department

2012 Member, *Berkeley Journal of Criminal Law*

2012 Legal Visitor, CA Prison Hunger Strike Coalition

2012 Instructor, Juvenile Hall Outreach, “Know Your Rights” workshop

LANGUAGES

Mandarin Chinese (spoken and written): Advanced (score of 200 on highest level HSK Chinese Proficiency Test)

PROFESSIONAL AFFILIATIONS

Association for Asian Studies (AAS)

Association of Chinese Criminology and Criminal Justice in the USA (ACCCJ)

American Society of Criminology (ASC)

Law & Society Association (LSA)