

# Tobias Smith

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## ACADEMIC APPOINTMENTS & AFFILIATIONS

- 2021-            **Assistant Professor**, Administration of Justice, Ohlone College
- 2021-2022      **China Fellow**, Woodrow Wilson Center for International Scholars
- 2020-2021      **Affiliated Scholar**, Department of Political Science, SFSU
- 2013-2020      **Graduate Student Instructor**, Department of Legal Studies, UC Berkeley
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## POLICY WORK

- 2020-            Independent **Consultant**, Rule of law, criminal justice, China policy  
(project details available by request)
- 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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## EDUCATION

- 2020    **Ph.D.** Jurisprudence and Social Policy, University of California, Berkeley  
Dissertation: *The Contradictions of Chinese Capital Punishment*  
Winner of the 2021 Law & Society Association Annual Dissertation Prize
- 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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## PUBLICATIONS

### *Peer-reviewed Articles*

- 2022    *(Not) Talking about Capital Punishment in the Xi Jinping Era* (with Matthew Robertson and Susan Trevaskes) 11 INTERNATIONAL JOURNAL FOR CRIME, JUSTICE AND SOCIAL DEMOCRACY 79.

- 2022 *Suspended Execution Beyond China's Borders* (with Daniel Pascoe) 9 ASIAN JOURNAL OF LAW AND SOCIETY 133.
- 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, 2019 LAW & SOCIAL INQUIRY Graduate Student Paper Prize  
 Winner, 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***

- 2021 *Borges, the Keystone and the Legal Imagination*, in THE CABINET OF IMAGINARY LAWS (Thanos Zartaloudis 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>
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## AWARDS & HONORS

- 2021 Law & Society Association (LSA) Dissertation Prize  
For *The Contradictions of Chinese Capital Punishment*
- 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

- 2021 China Fellow, Woodrow Wilson Center for International Scholars

- 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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### **SELECTED PRESENTATIONS & INVITED TALKS**

- 2022 “The Death Penalty and Transparency” (invited panelist), 8<sup>th</sup> World Congress Against the Death Penalty, Berlin, November.
- 2022 Methodology Discussion (invited lecture), PPLE 315: Theories of Power and Punishment, Willamette University, November.
- 2021 “The Death Penalty in China” (invited lecture), San Diego State University, November.
- 2021 “Body Count Politics” (invited lecture) CJ230: Crime Data and Analysis, San Francisco State University, December.
- 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.
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## TEACHING EXPERIENCE

At Ohlone College

Political Science 102: *Introduction to American Politics*  
Administration of Justice 101: *Introduction to Administration of Justice*  
Administration of Justice 102: *Criminal Law*  
Administration of Justice 118: *Criminology*

At the University of California, Berkeley

*As Instructor of Record*  
Legal Studies Global Access Program 400: *Law in Action*  
Legal Studies R1B: *Punishment & Capital Punishment*

*As Graduate Student Instructor*  
Legal Studies 109: *Aims & Limits of Criminal Law*  
Legal Studies 161: *Law in Chinese Society*  
Legal Studies 170: *Crime & Criminal Justice*

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## SERVICE

Peer Reviewer for:

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

2023 Member, Editorial Advisory Board, *Law & Society Review*

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

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## **LANGUAGES**

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

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## **REFERENCES**

Available upon request