

Professor Thomas Schultz

PUBLICATIONS

Authored Books

In progress

1. *International Arbitration Law and Theory*, with Stavros Brekoulakis. Under contract with Hart Publishing / Bloomsbury.
2. *Investment Arbitration as a Political System*, with Cédric Dupont and Jason Yackee. Under contract with Oxford University Press
3. *Arbitration: A Very Short Introduction*, with Tom Grant. Under contract with Oxford University Press.
4. *The Principle of Comity in Private and Public International Law*, with Jason Mitchenson and Niccolò Ridi. Under contract with Cambridge University Press.

Published

5. *Transnational Legality: Stateless Law and International Arbitration*, Oxford University Press, 2014.
6. *Information Technology & Arbitration*, Kluwer Law International, 2006.
7. *Réguler le commerce électronique par la résolution des litiges en ligne : Une approche critique*, Bruylant, 2005.
8. *Online Dispute Resolution: Challenges for Contemporary Justice*, with Gabrielle Kaufmann-Kohler, Kluwer Law International, 2004.

Edited Books

Forthcoming

9. *Oxford Handbook of International Arbitration*, co-edited with Federico Ortino. Under contract with Oxford University Press. (In press)

Edited Special Issues of Scholarly Journals

10. Shakespeare and International Dispute Settlement, co-edited with François Ost. Special issue of *Journal of International Dispute Settlement*, 9(1), 2018.
11. Empirical Studies on Investment Disputes, co-edited with Cédric Dupont. Special issue of *Journal of International Dispute Settlement*, 7(1), 2016.

Journal Articles and Book Chapters

In progress

12. Hybrid Justice: Selling Dreams, Fuelling the Backlash, with Clément Bachmann, in George Dimitropoulos and Stavros Brekoulakis (eds), *The Courts of the Future: International Commercial Courts and the Future of International Dispute Settlement*, Kluwer, 2020.
13. Law and Literature Approaches to International Adjudication, with François Ost, in Héléne Ruiz Fabri (ed.), *Max Planck Encyclopedia of International Procedural Law*, Oxford University Press, 2020.

Forthcoming

14. Scholarship as Fun, *Harvard Journal on the Legal Left*, 2020.
15. The Arbitration Ethos, in T. Schultz and F. Ortino (eds), *Oxford Handbook of International Arbitration*, Oxford University Press, 2020.
16. Arbitration Literature, with Niccolò Ridi, in T. Schultz and F. Ortino (eds), *Oxford Handbook of International Arbitration*, Oxford University Press, 2020.
17. Legitimacy Pragmatism in International Arbitration: A Framework for Analysis, in J. Kalicki and M. Abdel Raouf (eds), *Evolution and Adaptation: The Future of International Arbitration*, ICCA Congress Series No. 20, Kluwer 2020.
18. Investment Arbitration and Political Systems Theory, with Cédric Dupont and Jason Yackee, in T. Schultz and F. Ortino (eds), *Oxford Handbook of International Arbitration*, Oxford University Press, 2020.
19. Double Jeopardy? The Use of Investment Arbitration in Times of Crisis, with Cédric Dupont and Merih Angin, in D. Behn, O.K. Fauchald, and M. Langford (eds), *The Legitimacy of Investment Arbitration: Empirical Perspectives*, Cambridge University Press, 2020.
20. Life Cycles of International Law as a Noetic Unity: The Various Times of Law-Thinking, in L. Pasquet, K.

Polackova Van der Ploeg, and L. Castellanos Jankiewicz (eds), *International Law and Time: Narratives and Techniques*, Springer, 2020.

Published

21. How Comity Makes Transnationalism Work, with Niccolò Ridi, in P. Zumbansen (ed.), *The Many Lives of Transnational Law: Critical Engagement with Jessup's Bold*, Cambridge University Press, 2019, 88-101.
22. A Wig for Arbitrators: What Does it Add?, with Clément Bachmann, in Rita Trigo Trindade, Rashid Bahar and Giulia Neri-Castracane (eds), *Vers les sommets du droit, Liber Amicorum pour Henry Peter*, Schulthess, 2019, 105-120.
23. The History of Comity, with Jason Mitchenson, 5 *Jus Gentium – Journal of International Legal History* 383 (2019).
24. Rediscovering the Principle of Comity in English Private International Law, with Jason Mitchenson, 26 *European Review of Private Law* 311 (2018).
25. Comity in US Courts, with Niccolò Ridi, 10 *Northeastern University Law Review* 281 (2018).
26. Non-Analytical Obstacles to Stateless Law (43) *North Carolina Journal of International Law* 182 (2018).
27. Shakespearean Legal Thought in International Dispute Settlement, with François Ost, 9 *Journal of International Dispute Settlement* 1 (2018).
28. Comity and International Courts and Tribunals, with Niccolò Ridi, 50 *Cornell International Law Journal* 577 (2017).
29. Comity: The American Development of a Transnational Concept, with Niccolò Ridi, 18 *Yearbook of Private International Law* 211 (2017).
30. Navigating Sovereignty and Transnational Commercial Law: The Use of Comity by Australian Courts, with Jason Mitchenson, 12 *Journal of Private International Law* 344 (2016).
31. International Arbitration Scholarship: Forms, Determinants, Evolution, in S. Brekoulakis, J. Lew, and L. Mistelis (eds), *The Evolution and Future of International Arbitration*, Kluwer, 2016, 435-451.
32. The Law is What the Arbitrator Had For Breakfast: On the Determinants of Arbitrator Behavior, with Robert Kovacs, in J.C. Betancourt (ed), *Defining Issues in International Arbitration: Celebrating 100 Years of the Chartered Institute of Arbitrators*, Oxford University Press, 2016, 238-256.
33. Political Risk and Investment Arbitration: An Empirical Study, with Cédric Dupont and Merih Angin, 7 *Journal of International Dispute Settlement* 136 (2016).
34. Towards a New Heuristic Model: Investment Arbitration as a Political System, with Cédric Dupont, 7 *Journal of International Dispute Settlement* 3 (2016).
35. Diritto transnazionale senza Stato: quali le cause della resistenza?, 2015(2) *Ars Interpretandi – Rivista di ermeneutica giuridica* 35 (2015).
36. Arbitral Decision-Making: Legal Realism and Law & Economics, 6 *Journal of International Dispute Settlement* 231 (2015).
37. Types of Political Risk Leading to Investment Arbitrations in the Oil & Gas Sector, with Cédric Dupont, Melanie Wahl, and Merih Angin, 8 *Journal of World Energy Law & Business* 337 (2015).
38. Investment Arbitration: Promoting the Rule of Law or Over-Empowering Investors? A Quantitative Empirical Study, with Cédric Dupont, 25 *European Journal of International Law* 1147 (2014).
39. How Conceptions of Justice Associated with the Nation-State Obstruct Our View on Possibilities of Transnational Commercial Law, 25 *King's Law Journal* 377 (2014).
40. Against Consistency in Investment Arbitration, in J. Pauwelyn, J. Vinuales and Z. Douglas (eds), *The Conceptual Foundations of International Investment Law*, Oxford University Press 2014, 297-316.
41. Postulats de justice en droit transnational et raisonnements de droit international privé: Premier balisage d'un champ d'étude, in M.G. Kohen and D. Bentolilla (eds), *Mélanges en l'honneur de Jean-Michel Jacquet*, LexisNexis 2013, 417-431.
42. Do Hard Economic Times Lead to International Legal Disputes? The Case of Investment Arbitration, with Cédric Dupont, 19 *Swiss Political Science Review* 564 (2013).
43. La comity dans l'histoire du droit international privé, with David Holloway, 139 *Journal du droit international* 571 (2012).
44. The Rise of a Third Generation of Arbitrators? Fifteen Years After Dezalay & Garth, with Robert Kovacs, 28 *Arbitration International* 163 (2012).
45. Secondary Rules of Recognition and Relative Legality in Transnational Regimes, 56 *American Journal of Jurisprudence* 59 (2011).
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47. Internet Disputes, Fairness in Arbitration and Transnationalism: A Reply to Julia Hörnle, 19 *International*

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 55. Carving Up the Internet: Jurisdiction, Legal Orders and the Private/Public International Law Interface, 19 *European Journal of International Law* 799 (2008).
 56. Private Legal Systems: What Cyberspace Might Teach Legal Theorists, 10 *Yale Journal of Law & Technology* 151 (2007).
 57. Réglementer la résolution des litiges en ligne en Suisse: défis et enseignements de la pratique, with Jacques de Werra, 16 *Informatica e diritto* 431 (2007).
 58. La régulation en réseau du cyberspace, 55 *Revue interdisciplinaire d'études juridiques* 31 (2006).
 59. Sailing Away from Judicial Interference: Arbitrating the America's Cup, *International Sports Law Journal* 27 (2006).
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Reports

74. Online Dispute Resolution: An Overview and Selected Issues, *Report for the United Nations Economic Commission for Europe* 2002, 25pp.
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Editorials, Short Pieces, Book Reviews & Newspaper Articles

76. International Dispute Settlement Reconstructed, And Reconstructed Again: 10 Years of JIDS, *10 Journal of International Dispute Settlement* 517 (2019).
77. A Note on Originality, Editorial Courage, and Our Latest Prize-Winner, *8 Journal of International Dispute Settlement* 217 (2017).
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79. The Structuring Forces of What We Think to Be Law: Initial Musings, *5 Journal of Civil & Legal Sciences* (2016).
80. Cour permanente ou tribunaux arbitraux: quelle juridiction pour le traité transatlantique?, with Florian Grisel, *Le Monde*, 18 September 2015.
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83. The Evolution of International Arbitration as an Academic Field, *6 Journal of International Dispute Settlement* 229 (2015).
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85. Of Correct Views on Law Without The State, *6 Journal of International Dispute Settlement* 1 (2015).
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87. Doing Law and Thinking about Law, *4 Journal of International Dispute Settlement* 217 (2013).
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101. CyberTribunal Relaunched, *ODR News – Forum of the US National Center for Technology and Dispute Resolution*, 14 April 2004, 1p.
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Translations

103. François Ost, “Arbitration and Literature”, in T. Schultz and F. Ortino (eds), *Oxford Handbook of International Arbitration*, Oxford University Press, 2020.
104. François Ost, “The Twelfth Camel, or the Economics of Justice”, with Shalini Soopramanien, *2 Journal of International Dispute Settlement* 333 (2011).