EMINENT DOMAIN

The taking of private property for development projects has caused controversy in many nations, where it has often been used to benefit powerful interests at the expense of the general public. This edited collection is the first to use a common framework to analyze the law and economics of eminent domain around the world. The authors show that seemingly disparate nations face a common set of problems in seeking to regulate the condemnation of private property by the state. They include the tendency to forcibly displace the poor and politically weak for the benefit of those with greater influence, disputes over compensation, and resort to condemnation in cases where it destroys more economic value than it creates. With contributions from leading scholars in the fields of property law and economics, the book offers a comparative perspective and considers a wide range of possible solutions to these problems.

ILJOONG KIM is Professor of Economics at Sungkyunkwan University. He is a leading expert in the field of law and economics in Korea where his research activities have ignited the scholarly interest in the field.

HOJUN LEE is a Fellow at the Korea Development Institute (KDI). His academic research topics include mechanism design in public sectors, law and economics of property rights, and public finance of regional development. He is a former Director of the Public Private Partnership Division at KDI.

ILYA SOMIN is Professor of Law at George Mason University. His research focuses on constitutional law and property law. He is the author of The Grasping Hand: Kelo v. City of New London and the Limits of Eminent Domain (2015) and Democracy and Political Ignorance, 2nd edn (2016).
The use of the eminent domain power is common throughout democracies in both the developed and developing world. The exercise of that power, so necessary for sustainable growth, is also fraught with great peril. This timely and instructive volume fills a major gap in the literature by examining the ups and downs of eminent domain in a comparative context, with special emphasis on the law of South Korea, which has been the home to some of the most important takings conflicts in recent years.

— Richard Epstein, Laurence A. Tisch Professor of Law, New York University

In Eminent Domain: A Comparative Perspective, Ilya Somin, Hojun Lee, and Iljoong Kim have assembled a panoramic view of the law of eminent domain across nations as diverse as Germany, the United States, Korea, and Taiwan. Providing an exceptionally complete yet concise summary of each regime, this volume also provides an extraordinarily useful framework for understanding how and why each system succeeds or fails in safeguarding fundamental rights to retain what one owns in the face of eminent domain. It is an essential volume for anyone studying or defending the right to private property.

— Roderick M. Hills, Jr., William T. Comfort, III Professor of Law, New York University

This volume is a superb analysis of eminent domain at a genuinely global level. The organization is systematic in that the authors faithfully follow a unified analytic framework to overcome the difficulty of making meaningful inter-jurisdictional comparisons. As a judge who has experienced different stages of development in my own country, I am certain that professional and lay readers alike can benefit from this wide-ranging and learned book.

— Soon-il Kwon, Honorable Justice, Supreme Court of Korea
Eminen Domain

A Comparative Perspective

Iljoong Kim
Sungkyunkwan University, Seoul

Hojun Lee
Korea Development Institute, Sejong

Ilya Somin
George Mason University, Virginia
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CONTRIBUTORS

Anne Van Aaken is Professor of Law and Economics, Legal Theory, Public International Law and European Law at the University of St. Gallen, Switzerland. Before that she was a Senior Research Fellow at the Max Planck Institute for the Research of Collective Goods as well as at the Max Planck Institute for Comparative Public Law and International Law. She holds a Masters in law from the University of Munich, a Ph.D. in law from the University of Frankfurt/Oder, and a Masters degree in economics from the University of Fribourg, Switzerland. She was admitted to the bar in Germany.

Yun-chien Chang is Associate Research Professor at Institutum Jurisprudentiae, Academia Sinica, Taiwan, and serves as the Deputy Director of its Empirical Legal Studies Center. He was a Visiting Professor at the Law Faculty at the Hebrew University of Jerusalem and Haifa University in 2011 and 2015, respectively. In 2016, Professor Chang was appointed as Law and Economics Fellow at the University of Chicago Law School. His current academic interests focus on economic, empirical and comparative analysis of property law and land use law, as well as empirical studies of the judicial system. He received his J.S.D. and LL.M. degree from New York University School of Law. He also earned LL.B. and LL.M. degrees at the National Taiwan University and passed the Taiwan bar.

Byungkoo Cho is a judge at the Supreme Court of Korea. He has been working as a judge for about 14 years. He passed the Korean bar in 1994 and completed a two-year course from the Judicial Research and Training Institute of Korea. Then, he was appointed as a judge at the Seoul Central District Court in 2002. He was a visiting scholar at the Max Planck Institute, Germany, in 2007 and a Professor at the Judicial Research and Training Institute of Korea and Adjunct Professor at the Law School of Hankook University of Foreign Studies from 2010 to 2012.
He then worked as a judge at the Seoul Administrative Court and was appointed as a presiding judge of the Jinju Branch Court from 2012 to 2015. He received his LL.B. from Seoul National University and completed an LL.M. degree at Seoul National University.

**Klaus Deininger** is Lead Economist in the rural development group of the Development Research Group at the World Bank. His areas of research focus on income and asset inequality and its relationship to poverty reduction and growth; access to land, land markets and land reform and their impact on household welfare and agricultural productivity; land tenure and its impact on investment, including environmental sustainability; and capacity-building (including the use of quantitative and qualitative methods) for policy analysis and evaluation, mainly in the Africa, Central America and East Asia regions. He is a German national with a Ph.D. in Applied Economics from the University of Minnesota, an M.A. in Agricultural Economics from the University of Berlin and an M.A. in theology from the University of Bonn.

**Thea Hilhorst** is the Global Coordinator of the World Bank’s Land Governance Assessment Framework. She previously served as a senior staff member at the Royal Tropical Institute of the Netherlands and a research associate at the International Institute for Environment and Development in the United Kingdom. She has served as a consultant on land development issues for numerous governments in the developing world and has published articles on a variety of land development issues. She holds an M.Sc. degree from the Agricultural University, Wageningen, in the Netherlands.

**Kisang Jung** is a Judge at the Eastern Branch of Busan District Court of Korea. He was appointed as a Judge in the Seoul Western District Court in 2009 after he passed the Korean bar in 2003. He was a Judge at the Seoul Administrative Court from 2011 to 2013 and handled many cases of expropriation and compensation. He has conducted research on expropriation and compensation as well as on the issue of taxation and has published several articles in scholarly journals. He holds LL.B. and LL.M. degrees from Seoul National University.

**Duol Kim** is Professor of Economics at Myongji University. Prior to his current position, he conducted academic and policy-oriented research...
and taught at the University of California Davis, Korea Development Institute (KDI) and KDI School of Public Policy and Management. His research focuses on economic history (Korea, East Asia and the United States), economic development, law and economics, institutional economics and industrial organization. He was formerly the editor of the Korean Journal of Law and Economics and currently an editorial board member of the Korean Journal of Economic Studies. He studied economics at Seoul National University (B.A. and M.A.) and the University of California Los Angeles (Ph.D.).

Iljoong Kim is Professor of Economics at Sungkyunkwan University where he was also appointed as the Dasan Economics Chair. Professor Kim is known as a frontrunner in the field of law and economics in Korea where his research activities have ignited the scholarly interest in the field, as recognized by the Wiegong Prize and other awards. He served as the President and the Vice President of the Korean Law and Economics Association, the editor of the Korean Journal of Law and Economics, and the Director of the study/research forum, “Law and Economics with Courts”. He has also published many books on property rights and criminal justice policy and about 100 articles in journals worldwide, such as Public Choice, International Review of Law and Economics, and the Journal of Institutional and Theoretical Economics. He received a B.A. in economics from Yonsei University and an M.Sc. and Ph.D. in economics from Florida State University in 1990.

Hojun Lee is a Fellow of KDI. From 2014 to 2016, he served as the Director of the Public Private Partnership division of the Public and Private Infrastructure Investment Management Center at KDI. His academic research topics include mechanism design in public sectors, law and economics of property rights, and public finance of regional development. He also has conducted policy research to help the Korean government formulate budget plans and build social and economic policies. He has published numerous academic articles in Korean academic journals as well as policy advisory documents to the Korean government in various forms. He holds a B.A. and an M.A. in economics from Seoul National University and a Ph.D. in economics from the University of Wisconsin Madison.

Jonathan Lindsay is Lead Counsel for Land and Natural Resources at the World Bank. He is also a member of the Environment and Contributors.
x CONTRIBUTORS

International Law practice group of the Legal Vice Presidency, supporting the World Bank’s operational and analytical work on application of the World Bank safeguard and related policies, and natural resource management and related environmental issues. He has written extensively on property and natural resources law in developing nations. He holds a J.D. from the University of California Berkeley and a B.A. from Yale University.

Sungkyu Park is a Fellow at the Korea Real Estate Research Institute (KRERI) since 2001. At KRERI, he has conducted research on the issues of property rights, takings and real estate valuation and published widely on those topics. He also helped, in varying capacities, the Ministry of Land, Infrastructure and Transportation of Korea formulate land policies (e.g. land use regulation, compensation and appraisal), the Korean Association of Public Appraisers and other public corporations. He has been an Adjunct Professor at Soongsil University since 2012. He holds B.A., M.A., and Ph.D. degrees in economics from Soongsil University.

Hans-Bernd Schäfer is Professor of Law and Economics at Bucerius Law School in Hamburg. He is also Professor Emeritus at the University of Hamburg. His main publications are on the economic analysis of civil law and on law and development. His writings are well known to have influenced the scholarship of law and economics in Europe. He has also taught at several foreign universities including George Mason University, University of Toronto, University of St. Gallen, University of Haifa and the Indira Gandhi Institute in Mumbai. Dr. Schäfer was co-founder and director of the Institute of Law and Economics at the University of Hamburg and of the Ph.D. program of the institute. He was long-serving editor of the International Review of Law and Economics, Director of the European Masters Program in Law and Economics and President of the European Association of Law and Economics. He studied economics and business administration in Cologne and received his Ph.D. in economics from the University of Bochum.

Ilya Somin is Professor of Law at George Mason University School of Law. His research focuses on constitutional law, property law and the study of popular political participation and its implications for constitutional democracy. He is the author of The Grasping Hand: Kelo v. City of New London and the Limits of Eminent Domain (2015) and Democracy and Political Ignorance: Why Smaller Government is Smarter
(2016). His work has appeared in numerous scholarly journals, including the Yale Law Journal, Stanford Law Review, Northwestern University Law Review, Georgetown Law Journal, Critical Review and others. He has served as a Visiting Professor at the University of Hamburg, Germany, the University of Torcuato Di Tella in Buenos Aires, Argentina, and Zhengzhou University in China. Professor Somin earned his B.A., summa cum laude, at Amherst College, his M.A. in political science from Harvard University, and his J.D. from Yale Law School.
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