

ADAM SHINAR
Reichman University, IDC Herzliya
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ACADEMIC POSITION

- ❖ **Harry Radzyner Law School, Reichman University, IDC Herzliya, Associate Professor** (with tenure) (January 2018 – present).
- ❖ **Harry Radzyner Law School, Reichman University, IDC Herzliya, Assistant Professor** (October 2013 – January 2018).
- ❖ **Católica University, Lisbon, Portugal, Visiting Professor** (Spring 2019, Spring 2020).

EDUCATION

HARVARD LAW SCHOOL, S.J.D. (2013)

- ❖ **Dissertation: Dissenting from Within: Toward an Institutional Theory of Official Resistance** (Advisors: Professor Mark Tushnet & Dean Martha Minow).

HARVARD LAW SCHOOL, LL.M. (2007)

- ❖ **Thesis: Constitutions in Crisis: Judicial Methodology and Separation of Powers.**

HEBREW UNIVERSITY, Faculty of Law, LL.B., *magna cum laude* (2004)

PUBLICATIONS

1. *Deconstructing Mixed Constitutions*, ___ L. & ETHICS HUM. RIGHTS ___ (forthcoming 2022).
2. *Freedom of Expression in Israel: Origins, Evolution, Revolution and Regression*, in THE OXFORD HANDBOOK ON THE ISRAELI CONSTITUTION (Aharon Barak, Barak Medina, Yaniv Roznai, eds.) (forthcoming 2022).
3. *Democratic Backsliding, Subsidized Speech, and the New Majoritarian Entrenchment*, 69 AM. J. COMP. L. 335 (2021).
 - Selected for the 15th Annual Comparative Law Workshop (Princeton, Penn & Illinois).
4. *Israel: Legal Response to Covid-19*, in THE OXFORD COMPENDIUM OF NATIONAL LEGAL RESPONSES TO COVID-19 (Jeff King and Octávio LM Ferraz et. al., eds. 2021) (with Einat Albin, Ittay Bar-Siman-Tov, Aeyal Gross, Tamar Hostovsky-Brandes, Ori Aronson, Amichai Cohen, Nadav Davidovitch, Matan Gutman).
5. *Expertise in the Law*, in EXPERTISE AND EXCELLENCE: A MULTIDISCIPLINARY PERSPECTIVE 165 (Gershon Tenenbaum & Yair Galily eds., 2021) (Hebrew).
6. *Security in the Jewish State: On Judge Cheshin's Conception of Security*, 26 IDC L. REV. (2021) (Hebrew).

7. *Article 7 of the Basic Law: Nation State: Can the Controversy be Settled?* 20 DEMOCRATIC CULTURE 127 (2021) (with Ronit Levine-Schnur) (Hebrew).
8. *From Promise to Retrenchment: The Changing Landscape of Israeli Constitutionalism*, 18 INT'L J. CONST. L. 714 (I·CON) (2020) (with Barak Medina and Gila Stopler).
9. *The Ideologies of Global Constitutionalism*, 8 GLOBAL CONSTITUTIONALISM 12 (2019).
10. *Populism, Free Speech, and the Anti-Entrenchment Principle*, in NEW POLITICS OF DECISIONISM 107 (Violeta Besirevic, ed., 2019).
11. *Israel's External Constitution: Friends, Enemies and the Constitutional Law/Administrative Law Distinction*, 57 VA. J. INT'L L. 735 (2018).
12. *The Real Case for Judicial Review*, in ELGAR RESEARCH HANDBOOK ON COMPARATIVE JUDICIAL REVIEW 13 (Rosalind Dixon & Erin Delaney, eds., 2018) (with Alon Harel).
13. *The Case against Police Militarization*, 23 MICH. J. RACE & LAW 105 (2018) (with Eliav Lieblich).
14. *Free Speech, Free Finance, and the Anti-Entrenchment Principle*, 12 HEBREW U. L. REV. (ONLINE) 29 (2018) (Hebrew).
15. *Abuse of Organizational Power: New Trends in Research and Legal Regulation*, 21 IDC L. REV. 223 (2018) (with Galia Schneebaum) (Hebrew).
16. *Affirmative Empathy*, 15 LABOR, LAW & SOCIETY 37 (2018) (Hebrew) (with Yofi Tirosh).
17. *One Rule to Rule Them All? Rules of Law against the Rule of Law*, 5 THE THEORY & PRACTICE OF LEGISLATION 149 (2017).
18. *The Private Market of Public Work*, 31 BAR ILAN U. L. REV. 11 (2017) (Hebrew).
19. *Idealism and Realism in Israeli Constitutional Law*, in CONSTITUTIONALISM AND THE RULE OF LAW: BRIDGING IDEALISM AND REALISM 257 (Ernst Hirsch Ballin, Maurice Adams, Anne Meuwese, eds., Cambridge University Press, 2017).
20. *Religion and the Construction of the Urban Landscape*, in PRIVATE COMMUNITIES AND URBAN GOVERNANCE 215 (Amnon Lehavi, ed., 2016).
21. *In How Many Voices Does the State Speak?*, 38 TEL AVIV U. L. REV. 361 (2016) (Hebrew)
22. *Method and Culture in American Constitutional Law: A Critique of Proportionality and Constitutional Culture*, 10 JERUSALEM REV. LEG. STUD. 137 (2014).
23. *Enabling Resistance: How Courts Facilitate Departures from the Law, and Why This May Not Be a Bad Thing*, 17 N.Y.U. J. LEGIS. & PUB. POL'Y 989 (2014).
24. *The End of Constitutional Law?* 29 CONST. COMMENTARY 181 (2014).
25. *Public Employee Speech and the Privatization of the First Amendment*, 46 CONN. L. REV. 1 (2013).
26. *Dissenting from Within: Why and How Public Officials Resist the Law*, 40 FLA. ST. U. L. REV. 601 (2013).
27. *Religious Law as Foreign Law in Constitutional Interpretation*, 11 INT'L J. CONST. L. 74 (I·CON) (2013) (with Anna Su).
28. *Accidental Constitutionalism: The Political Foundations and Implications of Israeli Constitution-Making*, in THE SOCIAL AND POLITICAL FOUNDATIONS OF CONSTITUTIONS 207 (Dennis Galligan & Mila Versteeg, eds., Cambridge University Press, 2013).
29. *Efficiency, Institutional Logic, and Constitutional Remedies: Three Comments on Floyd v. City of New York*, 17 HAMISHPAT ONLINE 23 (2013) (Hebrew).

30. *Between Judicial and Legislative Supremacy: A Cautious Defense of Constrained Judicial Review*, 10 INT'L J. CONST. L. 950 (I-CON) (2012) (with Alon Harel).
31. *A Review of Peter Gerangelos, The Separation of Powers and Legislative Interference in Judicial Process*, 2010 PUBLIC LAW 434.
32. *With a Little Help from the Courts: The Promises and Limits of Weak Form Judicial Review of Social and Economic Rights*, 5 INT'L. J. L. IN CONTEXT 417 (2009).
33. *Accountability for the Indian Police: Creating an External Complaints Agency* (Human Rights Law Network, 2009).
34. *Constitutions in Crisis: A Comparative Approach to Judicial Reasoning and Separation of Powers*, 20 FLA. J. INT'L. L. 115 (2008).
35. *Reflections on the Judgments Regarding Jabarin and Kahana - A Conflict between Freedom of Speech and Incitement and Encouragement of Violent Acts*, 35 ISR. L. REV. 153 (2001).

WORKS IN PROGRESS

36. *Censorship as Nation Building: Israel's Film and Theater Review Council, 1948-1991*
37. *Two Concepts of Constitutional Legitimacy* (with Alon Harel) (under review)
38. *Public Trust in the Courts: Accounting for the Decline* (with Yaniv Roznai)

SELECT ONLINE PUBLICATIONS

1. [Counterterrorism off the Rails: Israel's Declaration of Palestinian Human Rights Groups as "Terrorist" Organizations](#), JUST SECURITY (October 24, 2021) (with Eliav Lieblich).
2. [How Easy is it to Declare a Terrorist Organization](#), HAARETZ (October 24, 2021).
3. [Public Trust in the Court is in Decline, but How Much Should that Bother Us?](#) ICON-S-IL Blog (July 11, 2021).
4. [The State is Not Just Galant or Regev](#), HAARETZ (April 11, 2021).
5. [Repeal Section 7A](#), HAARETZ (February 25, 2021).
6. [The Forgotten Opinions in the Bank Hamizrachi Case](#), ICON-S-IL Blog (December 20, 2020).
7. [The High Court of Justice can Stop the Ninth Plague](#), HAARETZ (December 14, 2020).
8. [Jewish Settlement as a National Value](#), ICON-S-IL Blog (December 2, 2020) (with Ronit Levine-Schnur).
9. [The Supreme Court's Decisions Suggest that Trump Might Count on It](#), HAARETZ (November 5, 2020).
10. [The Demonstrations are Just a Link in the Chain](#), HAARETZ (October 4, 2020).
11. [Why Decide if it is Possible to Avoid?](#), DYOMA (September 6, 2020).
12. [On the Senselessness of the Exhaustion of Proceedings Requirement in Constitutional Petitions](#), ICON-S-IL Blog (August 24, 2020).
13. [Regulation 119 – The Supreme Court's Historic Mistake](#), HAARETZ (August 12, 2020) (with Eliav Lieblich).
14. [Why the Calls to Deploy Military Force in the US Protests weren't Surprising](#), JUST SECURITY (June 23, 2020) (with Eliav Lieblich).

15. [Israel Pushes Its Emergency Powers to Their Limits](#), REG. REV. (April 28, 2020) (with Elena Chachko).
16. [Deploying the Military during COVID-19](#), IDC Law Professors Blog (April 20, 2020).
17. [Netanyahu doesn't Want to Restore the Balance, but to Take Over the Judiciary](#), Hottest Place in Hell (May 13, 2019).
18. [Who Speaks for the State? On Splitting Representation in the Tnuva and Amitai Cases](#), ICONS-IL Blog (March 13, 2019).
19. [Miri Regev Just Wants You to Vote Right](#), HAARETZ (October 28, 2018).
20. [Ayelet Shaked is Erasing Human Rights through Bureaucracy](#), HAARETZ (October 8, 2018).
21. [Constitutional Law and Administrative Law in the Occupied Territories](#), ICONS-S-IL Blog (July 24, 2017).
22. [It doesn't Matter when it Comes to Arabs](#), HAARETZ (May 7, 2018)
23. [Police Militarization in the Trump Era](#), JUST SECURITY (February 1, 2017) (with Eliav Lieblich).
24. [Ayelet Shaked's Freedom](#), HAARETZ (September 7, 2016).

EDITOR

- ❖ Special issue on the “Changing Landscape of Israeli Constitutionalism”, 18 INT’L J. CONST. L. (I-CON) (2021) (with Barak Medina and Gila Stopler).
- ❖ Special issue on the “Ideologies of Constitutional Law,” 8 GLOBAL CONSTITUTIONALISM 12-122 (2019).
- ❖ Special issue on the “Abuse of Organizational Power: New Trends in Research and Legal Regulation, 21 LAW & BUSINESS (2018) (with Galia Schneebaum).

AWARDS & FELLOWSHIPS

- ❖ Excellence in teaching award for the academic year 2020-2021, Reichman University.
- ❖ Excellence in teaching award for the academic year 2019-2020, Reichman University.
- ❖ Israel Junior Faculty Workshop (2017) (article on police militarization selected as one of the winners).
- ❖ Ministry of Absorption Grant for Returning Scientists (2014-2016).
- ❖ Gorny prize for young scholar in public law, Israeli Association of Public Law (2013).
- ❖ Summer Academic Fellow, Harvard Law School (2011, 2012).
- ❖ Clark Byse Fellow, Harvard Law School (2010-2011).
- ❖ Harvard University Teaching Award (2009).
- ❖ Graduate Program Fellow, Harvard Law School (2008, 2009, 2010, 2011, 2012).
- ❖ Baburger Foundation scholarship for graduate studies, Hebrew University (2006).
- ❖ Klein academic excellence award, Hebrew University (2003).
- ❖ Dean’s List for outstanding academic achievement, Hebrew University (2002, 2003).
- ❖ Jonathan Greenwald Family Foundation award, Hebrew University (2002).

CONFERENCES & PRESENTATIONS

- ❖ *Censorship as Nation Building: Israel's Film and Theatre Review Council, 1948-1991*, Conference in Honor of Prof. Yoram Shachar (Tel Aviv University, May 17, 2022).
- ❖ *Deconstructing Mixed Constitutions*, Mixed Constitutions and Human Rights, 16th International Human Rights Researchers' Workshop (College of Law and Business, May 2, 2021).
- ❖ *Two Concepts of Constitutional Legitimacy*
 - Israel law & society conference (Bar-Ilan University, December 29, 2019).
 - Public Law Workshop, IDC Herzliya (November 22, 2020).
 - Public Law Workshop, Bar Ilan University (November 30, 2020).
 - ICON-S Mundo (July 7, 2021).
- ❖ *Democratic Backsliding, Subsidized Speech, and the New Majoritarian Entrenchment*
 - IDC faculty workshop (June 11, 2019).
 - Tel Aviv University Faculty of Law, faculty workshop (March 9, 2020).
 - Public Law Workshop, Tel Aviv University (May 5, 2020).
 - Comparative Law Work-in-Progress Workshop, University of Pennsylvania (June 15, 2020).
- ❖ *Democratic Backsliding and Public Administration*, ICON-S-IL (College of Management, March 12, 2019).
- ❖ *The Real Case for Judicial Review*, ICON-S (Hong Kong University, June 27, 2018).
- ❖ *Israel's External Constitution: Friends, Enemies, and the Constitutional Law/Administrative Law Distinction*
 - The External Dimensions of Constitutions (University of Cambridge, September 15, 2016).
 - Public Law Workshop (Bar-Ilan University, January 30, 2017).
 - IDC Faculty Workshop (IDC Herzliya, June 20, 2017).
 - ICON-S (Copenhagen, July 6, 2017).
 - College of Management Faculty Workshop (Israel, May 1, 2018).
- ❖ *Public & Private Employee Speech*, Labor Law Judges Conference (January 23, 2017).
- ❖ *Free Speech, Free Finance, and the Anti-Entrenchment Principle*
 - Between Europe and the United States: The Israeli Supreme Court in Comparative Perspective (Cardozo School of Law, Yeshiva University, June 27, 2016).
 - New Politics of Decisionism (University of Belgrade, October 14, 2017).
 - ICON-S, Israel Chapter (IDC Herzliya, March 12, 2018).
 - ICON-S (Hong Kong University, June 26, 2018).
- ❖ *The Case Against Police Militarization*
 - Half-baked forum, IDC Herzliya (March 10, 2016).
 - ICON-S, Israel Chapter (Hebrew University, May 19, 2016).
 - ICON-S (Berlin, Germany, June 19, 2016).
 - ITAM faculty workshop (Mexico City, October 7, 2016).
 - Junior Scholars Workshop (Bar Ilan University, March 30, 2017).
 - Osgoode Hall Law School, York University (September 12, 2017).
- ❖ *The Forgotten Opinions in Bank Hamizrachi, 20 Years to Bank Hamizrachi* (Haifa University, May 26, 2016).
- ❖ *Religion and the Construction of the Urban Landscape*
 - Private Communities and Urban Governance (IDC Herzliya, June 15, 2015).
 - Urban Planning and Architecture Research Group (Technion, Haifa, July 2, 2015).

- National Urban Planning Conference (Tel Aviv, February 18, 2016)
- ❖ *Debiasing Comparative Constitutional Law*, Constitutional Conflicts and the Judicial Role in Comparative Perspective (Cardozo School of Law, New York City, May 17, 2015).
- ❖ *Affirmative Empathy*, Labor, Society and Law Conference (Tel Aviv University, May 7, 2015).
- ❖ *With How Many Voices Does the State Speak?*
 - Half Baked Forum, IDC Herzliya (May 22, 2014).
 - ICON-S (European University Institute, Italy, June 27, 2014).
 - College of Law & Business faculty workshop (Ramat Gan, Israel, March 19, 2015).
 - Ministry of Justice (Jerusalem, December 21, 2015).
- ❖ *The Private Law of Public Work*
 - Israeli Association of Private Law (Tel Aviv University, April 9, 2014).
 - Annual state labor attorneys conference (Jerusalem, June 24, 2015).
 - Ministry of Justice conference in memory of Gilad Shirman (December 17, 2015).
 - International Society of Public Law. ICON-S (Berlin, Germany, June 18, 2016).
 - Labor & Welfare Workshop (Hebrew University Faculty of Law, November 20, 2016).
- ❖ *Enabling Resistance: How Courts Facilitate Departures from the Law, and Why This May Not Be a Bad Thing*, Public Law Workshop (Hebrew University, Jerusalem, March 11, 2015).
- ❖ *Idealism and Realism in Israeli Constitutional Law*, Workshop on Idealism, Realism and the Rule of Law (Tilburg University, Holland, October 2, 2014).
- ❖ *Method and Culture in American Constitutional Law*, Symposium on Proportionality and Constitutional Culture (Hebrew University, December 15, 2013).
- ❖ *From Theory to Practice in US and Israeli Protests*, Impasses of Critique: Intellectual Praxis in the age of Political Impotence (The Van Leer Jerusalem Institute, September 2, 2013).
- ❖ *Public Employee Speech and the Privatization of the First Amendment*
 - Faculty Workshop, Osgoode Hall Law, York University (October 10, 2012).
 - Constitutional Law Colloquium, Loyola University Chicago School of Law (November 2, 2012).
 - S.J.D. Colloquium, Harvard Law School (November 6, 2012).
 - Faculty Workshop, Bar Ilan University, Israel (December 17, 2012).
 - Hebrew University, Jerusalem, Israel (December 19, 2012).
 - Interdisciplinary Center, Herzliya, Israel (December 25, 2012).
 - Haifa University, Israel (December 26, 2012).
 - Tel Aviv University, Israel (December 31, 2012).
 - Freedom of Expression Scholars Conference, Yale Law School (May 5, 2013).
- ❖ *Constitutionalism in the Twenty-First Century*, Global Legal Education Forum (Harvard Law School, March 24, 2012).
- ❖ *Accidental Constitutionalism: The Political Foundations and Implications of Israeli Constitution-Making*, The Social and Political Foundations of Constitutions (Oxford University, December 8, 2011).
- ❖ *Religious Law as Foreign Law in Constitutional Interpretation*, Religious Law and State Affairs (Bar-Ilan University, May 31, 2011).

- ❖ *Creating Lawbreakers: Judicial Facilitation of Resistance and Constitutional Change*, Constitutional Revolutions and Counter Revolutions (The New School of Social Research, May 6, 2011)
- ❖ *Conceptualizing Official Resistance*, Harvard Law School S.J.D. Colloquium (Harvard Law School, April 2, 2010).
- ❖ *Progressive Constitutionalism, Progressive Constitutionalists, and the Accommodation of Social Change*, The Toronto Group for the Study of International, Transnational and Comparative Law (University of Toronto, January 11, 2009).
- ❖ *Constitutions in Crisis: A Comparative Approach to Judicial Reasoning and Separation of Powers*, Harvard Law School Visiting Researcher/Visiting Scholar Colloquium (Harvard Law School, February 28, 2008).
- ❖ *The Influence of U.S. Constitutional Law on the Supreme Court of Israel*, American Constitution Society, Comparative Constitutional Law Roundtable (Harvard Law School, March 20, 2007).

TEACHING EXPERIENCE

INTERDISCIPLINARY CENTER HERZLIYA, Radzyner Law School

- ❖ Constitutional Law (Spring 2017, Fall 2017, Fall 2018, Fall 2019, Fall 2020, Fall 2021, Spring 2022).
- ❖ Administrative Law (Fall 2014, Fall 2015, Fall 2016).
- ❖ Labor Law (Fall 2013, Fall 2014, Fall 2015, Fall 2016).
- ❖ Select Topics in Freedom of Speech (Spring 2014, Fall 2014).
- ❖ Constitutional Theory (Spring 2015).
- ❖ Honors workshop on the theory and practice of the legal profession (2015-2016, 2016-2017, 2017-2018).

HARVARD LAW SCHOOL

- ❖ New Perspectives on Law & Compliance (2011).
- ❖ Graduate teaching fellow in Constitutional Law (2008-2009).

HARVARD UNIVERSITY, Faculty of Arts and Sciences, Government Department

- ❖ Teaching Fellow, Thinking About the Constitution (Professor Laurence Tribe) (2012).
- ❖ Teaching Fellow, International Conflict & Cooperation (Professor Stephen Rosen) (2010).
- ❖ Teaching Fellow, Justice (Professor Michael Sandel) (2007-2008; 2008-2009).
- ❖ Teaching Fellow, Ethics, Biotechnology, and the Future of Human Nature (Professors Michael Sandel and Douglas Melton) (2008).

HEBREW UNIVERSITY, Faculty of Law

- ❖ Instructor in Jurisprudence (2005-2006).
- ❖ Teaching assistant in torts, family law, property law, and jurisprudence (2002-2004).

ACADEMIC EXPERIENCE

HARVARD LAW SCHOOL

- ❖ LL.M. Legal writing instructor (2012)

- ❖ LL.M. Advisor (2011-2012)
- ❖ LL.M. writing workshop leader (2009-2010)
- ❖ Visiting Researcher (2007-2008)
- ❖ Research assistant: Dean Martha Minow (2008); Professor Jed Shugerman (2007).

HEBREW UNIVERSITY FACULTY OF LAW

- ❖ Hebrew University Law Review: Editor (2002-2003)
- ❖ Israel Law Review: Editor (2001-2002)
- ❖ Research assistant: Professor Shimon Shetreet (2001-2002); Professor David Kretzmer (2003).

CLERKSHIPS

ISRAEL SUPREME COURT (Jerusalem, Israel) (2004-2005)

- ❖ Clerk to Hon. President Professor Aharon Barak.

JERUSALEM DISTRICT COURT (Jerusalem, Israel) (2002-2003)

- ❖ Clerk to Hon. Judge Ezra Kamma, Vice President.

PROFESSIONAL EXPERIENCE

ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL (Tel-Aviv, Israel) (summer, 2010), summer attorney

HUMAN RIGHTS LAW NETWORK (Delhi, India) (summer, 2009), legal intern

ISRAEL RELIGIOUS ACTION CENTER (Jerusalem, Israel) (2006), staff Attorney

PROFESSIONAL ASSOCIATIONS

- ❖ Board member, Association of Civil Rights in Israel (2019-present).
- ❖ Academic advisory board member, Israel Supreme Court Project at Cardozo Law School, Yeshiva University (2014-present).
- ❖ Editorial board, ICON-S (IL) blog.
- ❖ Member, The International Society of Public Law (2014-present).
- ❖ Member, Scholarship Advisory Group, Young Comparativists Committee, American Society of Comparative Law (2011-2014).
- ❖ Member, New York Bar (2009-present).
- ❖ Member, Israel Bar (2005-present).

REFEREE

- ❖ International Journal of Constitutional Law (I-CON); Law & Society Review; Cambridge University Press; International Theory; The Theory and Practice of Legislation; Federal Law Review; Comparative Labor Law & Policy Journal; The International Journal of Human Rights; Law & Ethics of Human Rights; Intellectual History Review; Journal of Common Market Studies; International Journal of Comparative Labour Law and Industrial Relations; Social

Forces; Israel Law Review; Tel Aviv University Law Review; Hebrew University Law Review; Hebrew University Law Review Online; Bar Ilan University Law Review; Haifa Law Review; IDC Law Review; Labor, Society, and Law; Israel Science Foundation (grant referee); Rubinstein Book (book commemorating the work of Supreme Court Justice Elyakim Rubinstein).

SERVICE

- ❖ Head of the LL.B & direct M.A. program in law and government (2016-present).
- ❖ Teaching Committee, IDC (2019-present)
- ❖ Hiring Committee, IDC (2014-present).
- ❖ Academic Director, IDC Legal Clinics (2017-2019).
- ❖ Convener, Faculty Workshop, IDC (2015-2019).
- ❖ Convener, Junior Scholars Forum (2013-2015).
- ❖ Head, Dusseldorf exchange program with Heinrich Heine University (2013-2015).
- ❖ Organization of numerous events and conferences at IDC.