

**ADAM SHINAR**  
**Interdisciplinary Center Herzliya**  
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## ACADEMIC POSITION

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

## EDUCATION

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### **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

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1. *The Ideologies of Global Constitutionalism*, 8 GLOBAL CONSTITUTIONALISM 12 (2019).
2. *Populism, Free Speech, and the Anti-Entrenchment Principle*, in NEW POLITICS OF DECISIONISM 107 (Violeta Besirevic, ed., 2019).
3. *Israel's External Constitution: Friends, Enemies and the Constitutional Law/Administrative Law Distinction*, 57 VA. J. INT'L L. 735 (2018).
4. *The Real Case for Judicial Review*, in ELGAR RESEARCH HANDBOOK ON COMPARATIVE JUDICIAL REVIEW 13 (Rosalind Dixon & Erin Delaney, eds., 2018) (with Alon Harel).
5. *The Case against Police Militarization*, 23 MICH. J. RACE & LAW 105 (2018) (with Eliav Lieblich).
6. *Free Speech, Free Finance, and the Anti-Entrenchment Principle*, 12 HEBREW U. L. REV. (ONLINE) 29 (2018) (Hebrew).
7. *Abuse of Organizational Power: New Trends in Research and Legal Regulation*, 21 L. & BUS. 223 (2018) (with Galia Schneebaum) (Hebrew).
8. *Affirmative Empathy*, 15 LABOR, LAW & SOCIETY 37 (2018) (Hebrew) (with Yofi Tirosh).
9. *One Rule to Rule Them All? Rules of Law against the Rule of Law*, 5 THE THEORY & PRACTICE OF LEGISLATION 149 (2017).

10. *The Private Market of Public Work*, 31 BAR ILAN U. L. REV. 11 (2017) (Hebrew).
11. *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).
12. *Religion and the Construction of the Urban Landscape*, in PRIVATE COMMUNITIES AND URBAN GOVERNANCE 215 (Amnon Lehavi, ed., 2016).
13. *With How Many Voices Does the State Speak?*, 38 TEL AVIV U. L. REV. 361 (2016) (Hebrew)
14. *Method and Culture in American Constitutional Law: A Critique of Proportionality and Constitutional Culture*, 10 JRSLM. REV. LEG. STUD. 137 (2014).
15. *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).
16. *The End of Constitutional Law?* 29 CONST. COMMENTARY 181 (2014).
17. *Public Employee Speech and the Privatization of the First Amendment*, 46 CONN. L. REV. 1 (2013).
18. *Dissenting from Within: Why and How Public Officials Resist the Law*, 40 FLA. ST. U. L. REV. 601 (2013).
19. *Religious Law as Foreign Law in Constitutional Interpretation*, 11 INT'L J. CONST. L. 74 (I·CON) (2013) (with Anna Su).
20. *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).
21. *Efficiency, Institutional Logic, and Constitutional Remedies: Three Comments on Floyd v. City of New York*, 17 HAMISHPAT ONLINE 23 (2013) (Hebrew).
22. *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).
23. *A Review of Peter Gerangelos, The Separation of Powers and Legislative Interference in Judicial Process*, 2010 PUBLIC LAW 434.
24. *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).
25. *Accountability for the Indian Police: Creating an External Complaints Agency* (Human Rights Law Network, 2009).
26. *Constitutions in Crisis: A Comparative Approach to Judicial Reasoning and Separation of Powers*, 20 FLA. J. INT'L. L. 115 (2008).
27. *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

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28. *From Promise to Retrenchment: The Changing Landscape of Israeli Constitutionalism* (under review) (with Barak Medina and Gila Stopler).
29. *Democratic Backsliding, Subsidized Speech, and the New Majoritarian Entrenchment*.
30. *Discrimination and the Privileging of Jewish Settlements* (with Ronit Levine-Schnur).
31. *Security and Jewish Nationalism: On Judge Cheshin's Conception of Security*.

## EDITOR

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- ❖ Special issue on the “Changing Landscape of Israeli Constitutionalism” (with Barak Medina and Gila Stopler), under review at the “International Journal of Constitutional Law – I·CON.”
- ❖ Special issue on the “Ideologies of Constitutional Law,” published in 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

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- ❖ 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

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- ❖ *Democratic Backsliding, Subsidized Speech, and the New Majoritarian Entrenchment* (IDC faculty workshop, June 11, 2019).
- ❖ *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**

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### **INTERDISCIPLINARY CENTER HERZLIYA, Radzyner Law School**

- ❖ Constitutional Law (Spring 2017, Fall 2017, Fall 2018).
- ❖ 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**

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##### **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**

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##### **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**

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**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**

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- ❖ 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**

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- ❖ International Journal of Constitutional Law (I-CON)
- ❖ Law and Society Review
- ❖ Cambridge University Press
- ❖ International Theory
- ❖ Comparative Labor Law & Policy Journal
- ❖ The International Journal of Human Rights
- ❖ Law & Ethics of Human Rights
- ❖ Journal of Common Market Studies
- ❖ International Journal of Comparative Labour Law and Industrial Relations
- ❖ Israel Law Review
- ❖ Hebrew University Law Review
- ❖ 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**

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