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Curriculum Vitae

1. Education

- 2000 LL.D. - The Hebrew University in Jerusalem (direct track for outstanding students) (Supervisor: Prof. Claude Klein; THE LIMITATION CLAUSES IN THE ISRAELI BASIC LAWS ON HUMAN RIGHTS).
- 1996 LL.M. - American University, Washington College of Law
- 1994 LL.B. - The Hebrew University in Jerusalem (com laude).

2. Scholarly Positions

- 2009-2010 Edmond Safra Faculty Fellow, Program in Ethics in the Professions, Center for Ethics, Kennedy School of Government, Harvard University
- 2007-2008 Member of the Institutional Nomination Committee, Academic Center of Law & Business
- 2006 Director, Human Rights Program, Academic Center of Law & Business
- 2005 Senior Lecturer, Academic Center of Law & Business
- 2002-2003 Fellow, Harvard law school – the Human Rights Program
- 1998-2000 Lecturer, Hebrew University of Jerusalem, Haifa University

3. Other Professional Positions

- 2006- Founder and editor-in-chief of the journal *LAW AND ETHICS OF HUMAN RIGHTS* published by Berkeley Electronic Press (bepress). This is the third Israel law school journal published in the English language. The editorial board includes, among others: Prof. Nancy Rosenblum (Harvard), Prof. Stephen Macedo (Princeton), Prof. Eyal Benvenisti (Tel-Aviv University) and Prof. Julie Suk (Yeshiva University). The journal deals with contemporary moral and legal dilemmas that Israel is facing and that are of global interest and have global implications. For the first issue (2007) on Multiculturalism and the Antidiscrimination Principle: see <http://www.bepress.com/lehr/vol1/iss1/>
- For the second issue (2007) on Demography and Human Rights see <http://www.bepress.com/lehr> (co-edited with Dr. Gila Stopler).
- 2008 Co-organizer of an international researchers' workshop (with Dr. Iddo Porat) on Rights, Balancing and Proportionality. Among the participants will be: Alexander Aleinikoff (Georgetown), Alexy Robert (Kiel), Beatty David (Toronto), Georg Nolte (Humboldt University, Berlin), Plides Richard (NYU), Stone-Sweet Alec (Yale), Nancy Rosenblum (Harvard) and Walker Neil (Edinburgh).
- 2008 Organizer of a conference on Conceptions of Social Justice in the Israeli Law honoring the publication of Dr. Yossi Dahan's book: *CONCEPTIONS OF SOCIAL JUSTICE*. Among the participants were Prof. Hanoch Dagan, Prof. Daphne Barak Erez, Dr. Gila Stopler, Dr. Raef Zreik.
- 2007 Co-organizer of (with Dr. Gila Stopler) an international researchers' workshop on Demography and Human Rights. Among the participants were: Prof. Seyla Benhabib (Yale); Prof. Peter Schuck (Yale); Prof. Christian Joppke (American University of Paris). For full details see <http://www.rg-law.ac.il/workshops/2007/index.html>
- 2006 Organizer of an international researchers' workshop on Multiculturalism and the Antidiscrimination Principle. Among the participants were: Nancy Rosenblum (Harvard), Prof. Stephen Macedo (Princeton); Rajeev Bhargava (Delhi). For full details see:

<http://www.rg-law.ac.il/workshops/2005/index.html>

- 2005 Member of the Bi-Annual Minerva Center for Human Rights' organizing committee.
- 2004 Member of the First Annual Legal Academy Conference's organizing committee, Bar-Ilan University.
- 2001 Organizer of a conference on The Anti-discrimination Law in Public Accommodations. Among the participants were: Prof. Alon Harel, Prof. Eyal Benvenisti; Dr. Noya Rimaltl Dr. Barak Medina and Prof. Edna Margalit. The articles presented in this conference were published in volume 3 of the Academic Center of Law and Business' law review. See: http://www.rg-law.ac.il/journal/aly_mishpat.htm

4. Active Participation in Scholarly Conferences and Colloquium Talks

2008, Stanford Harvard-Stanford International Junior Faculty Forum. An article titled "American Balancing and German Proportionality: The Historical Origins" (co-authored with Dr. Iddo Porat) was chosen after a rigorous selection process (10 out of hundreds proposals) to be presented and commented on in the inaugural meeting of the Harvard-Stanford International Junior Faculty Forum. The forum will take place at the law school in Stanford University on October 2008.

2008, Pilsen International Conference: Values and Diversity: Culture, Religion and the Law in Contemporary Europe. The Conference organized by the European Commission. Presenting a paper on: "The Right to Culture v. The Right of Democracy to Protect itself: The Case of the Ultra Orthodox Schools in Israel".

2008, Haifa The first annual conference of the Israeli Association of Law and Society. Presenting an article on: "Democratic Education in Ultra-Orthodox Schools".

2008, Jerusalem International Conference on: The Right to Education in Divided Societies, organized by The European Association for Education

- Law. Presenting an article titled: "Three Ways to Achieve Democratic Stability through Education".
- 2007, Tel Aviv Demography and Human Rights international researchers' workshop. Commenting on an article titled: "[Demography and the Supreme Court: The Return of the Repressed](#)". For the written comment see: <http://www.rg-law.ac.il/workshops/2007/articles/cohen.pdf>
- 2006, Jerusalem Bi-Annual Conference of Minerva Center for Human Rights. Presenting an article on "Democratic Education in the Ultra Orthodox Schools". For the conference program and the abstract of the article see: <http://law.mscc.huji.ac.il/law1/minerva/biannualconf2006.htm>
- 2006, Toronto University of Toronto, Faculty of Law, Constitutional Forum. Presenting an article titled: "The Formal and Substantive Meanings of Proportionality in the Supreme Court's Decision Regarding the Security Fence".
- 2006, Tel Aviv Tel Aviv University, Faculty of Law: Public Law Lecturers' Forum. Presenting an article titled: "Who Should Say the Last Word in Pluralistic Democracy: On the Proper Understanding of the Limitation Clause".
- 2006, Haifa Conference on: The Draft of the Constitution Proposal of the Knesset's Constitutional Committee: Analysis and Evaluation. Faculty of Law, Haifa University. Presenting an article titled: "Who should have the Last Word". For the article presented see: http://law.haifa.ac.il/events/event_sites/huka_משה%20כהן/doc
- 2006, Tel Aviv International researchers' workshop on: Multiculturalism and the Antidiscrimination Principle. Presenting an article titled: "Is Conditional Funding a Less Drastic Means". For the presented article see: <http://www.rg-law.ac.il/workshops/2005/articles/cohen.pdf>
- 2005 Jerusalem International Conference on: International Law and International Relations: Domestic and International Judicial Review of the Construction of the Separation. Faculty of Law, the Hebrew University. Presenting an article titled: "The Formal and

- Substantive Meanings of Proportionality in the Supreme Court's Decision Regarding the Security Fence".
- 2004, Ramat Gan The first annual conference of legal academia in Israel, Bar-Ilan University. Presenting an article titled: "Self Defending Democracy and Education for Democratic Values".
- 2003, London London International Conference: Brookings/Bill Gates National Working Commission on School Choice. Headed by Prof. Stephen Macedo, Princeton University: Regulating School Choice to Promote Civic Virtues: What Can the US Learn from the Experience of Other Nations? Commenting on the case of France and Germany.
- 2003, New York New York University, the Law School International Conference: The Socio-economic Status of the Arab Minority in Israel. Presenting a paper titled: "Discrimination against Arabs in Israel in Public Accommodations". See the conference site:
<http://www.iilj.org/events/details/event-arabcitizens.html>
- 2002, Boston Harvard Law School, Human Rights Program. Presenting two articles in progress: "Advertisements, Stereotypes and Freedom of Expression" and "An Argument from Democracy against School Choice: A Critique of Zelman v. Simmons-Harris."
- 2001, Ramat Gan Conference on: The Anti-discrimination Law in Public Accommodations. Presenting an article titled: "Equality and Liberty in the Mirror of the Anti-Discrimination Act in Public Accommodations". For the full paper see:
http://www.rg-law.ac.il/journal/aly_mishpat/2003/elia.pdf

5. Scholarships, Awards, Research Grants

- 2008 Minerva Center for Human Rights, Hebrew University: Research Grant to write an article on "Probability Tests in the Basic Law: Human Dignity and Freedom" (with Dr. Gila Stopler).
- 2007 Max Planck Institute for International and Public Law, Heidelberg: Research grant for researching in Germany the Historical Origins of Proportionality.
- 2006 Minerva Center for Human Rights, Hebrew University: Research Grant to write an article on "Democratic Education in Ultra Jewish Orthodox Schools".
- 2005 Canadian Government: Faculty Enrichment Program. Research grant to prepare a course on the Limitation Clause in Israeli Basic Law: with a specific reference to the Canadian Charter on Rights and Freedoms.
- 2004 Minerva Center for Human Rights, Hebrew University: Research Grant to conduct a research in Germany on the Logic of the Antidiscrimination Principle.
- 2002 Minerva Center for Human Rights, Hebrew University: Research Grant to write an article on "Advertisement, Stereotypes and Freedom of Speech".
- 1999 Academic College of Law: Research grant to study in Strasburg the doctrine of the Margin of Appreciation in the jurisprudence of the European Court of Human Rights.
- 1998 Max Planck Institute for International and Public Law, Heidelberg: Research grant for researching in Germany the Value Order regime in the jurisprudence of the German Constitutional Court.
- 1997 Minerva Center for Human Rights, Hebrew University: Research Grant to write Ph.D. dissertation on: "The Limitation Clauses in the Basic Laws on Human Rights".
- 1996 Halbert Center for Canadian Studies: Research grant to study in Canada the Canadian Limitation Clause in the Canadian Charter on Rights and Freedoms.
- 1995-1996 New Israel Fund: The Lawyers Program. Winning a grant covering the tuition for LL.M. studies in American University, Washington College of Law, and provides additional 24,000 \$ for the first year in the

- United States and the salary for working in an Israeli human rights organization in the second year.
- 1994 Hebrew University, Faculty of Law: Winning a Prize for the highest grade in Public International Law.
- 1991-1993 Winning prizes for appearing on the Dean's List for outstanding students.

6. Teaching

- Mandatory courses: Constitutional Law
Human Rights and Social Change (the human rights program)
The Right to Equality (the human rights program)
- Elective courses: Limiting Constitutional Rights
Law and Ethics of Human Rights (students' editorial board)
- Seminars: Judicial Review
Minorities Rights
Human Rights in Private Law

7. Publications

Articles

The Hidden Foreign Law Debate in Heller: Proportionality Approach in American Constitutional Law, forthcoming in *SAN DIEGO LAW REVIEW* (May 2009) (co-authored with Iddo Porat).

Self Defending Democracy and Democratic Education in Ultra-Orthodox Jews Schools 11 *LAW AND GOVERNMENT* 367 (2008) (Hebrew).

Towards a Procedural Limitation Clause in the Israeli Constitution 10 *LAW AND GOVERNMENT* 521-570 (2007) (Hebrew)

Is Conditional Funding a Less Drastic Means? 1 LAW AND ETHICS OF HUMAN RIGHTS
354-381 (2007)

Proportionality and the Separation of Powers 9 LAW AND GOVERNMENT 297-319
(2006) (Hebrew)

*Formal and Substantive Meanings of Proportionality in the Supreme Court's Decision
regarding the Security Fence* 38 ISRAEL LAW REVIEW (2005) 262-294.

Discrimination against Arabs in Israel in Public Accommodations 36 NEW YORK
UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS (2004) 717-748.

*Three Reservations Regarding the Expansion of the Antidiscrimination Principle in
Employment* 11 LAW, LABOR AND SOCIETY 195-222 (2005) (Hebrew).

Advertisements, Stereotypes and Freedom of Expression JOURNAL OF SOCIAL
PHILOSOPHY, June 2004, vol. 35, iss. 2, pp. 165-187(23) (co-authored with Dr.
Yoav Hammer)

*An Argument from Democracy against School Choice: A Critique of Zelman v.
Simmons-Harris* 49 LOYOLA LAW REVIEW 859-916 (2003) (co-authored with
Dr. Yoav Hammer)

Equality and Liberty in the Mirror of the Anti-discrimination Act 3 RAMAT GAN LAW
REVIEW 15-35 (2003) (Hebrew).

Chapters in Books

Israel in FINDING THE RIGHT BALANCE: FREEDOM AND ACCOUNTABILITY IN EDUCATION, VOL. 3 (Charles Glenn and Jan De Groof eds., Wolf Legal Publisher, 2004) 167-181.

Israel in ENCYCLOPEDIA OF WORLD CONSTITUTIONS (Gerhard Robbers ed., 2005) 433-441.

Editing

Editing two volumes of LAW AND ETHICS OF HUMAN RIGHTS:

Multiculturalism and the Antidiscrimination Principle (Berkeley Electronic Press, 2007) (the volume is composed of 12 articles). See:
<http://www.bepress.com/lehr/vol1/iss1/>

Demography and Human Rights (with Dr. Gila Stopler) (Berkeley Electronic Press, 2008). (the volume is composed of 12 articles written). See:
<http://www.bepress.com/lehr/>

Other

Book Review on *The Burden of Proof in Comparative and International Law* by Juliane Kokott 93 AMERICAN JOURNAL OF INTERNATIONAL LAW 556 (1999)

8. Public Activities related to the Legal Profession

2005 Appearing before the Knesset Constitutional Committee and providing written legal opinions on several provisions in the proposed Israeli Constitution.
For a written legal opinion of the limitation clause, see
http://huka.gov.il/wiki/material/data/H26-07-2005_14-15-33_piskat.doc

For a written legal opinion of the application of constitutional rights in the private sector, see

http://www.huka.gov.il/wiki/material/data/H17-07-2005_8-57-24_zehuiot.doc

- 1994-1999 Lawyer, the Association for Civil Rights in Israel. Appearing before the Supreme Court in some major constitutional cases related to refugees rights, privacy rights and defendants rights in criminal procedures. Appearing before the Court in the first case in which the Supreme Court struck down a law the violated Basic Law: Human Dignity and Freedom. HCJ 6055/95 Tsemach v. The Minister of Defense, 53(5) P.D. 241.
Researching and drafting and lobbying for the Anti-Discrimination Act in Public Accommodations. See
<http://www.tamas.gov.il/NR/exeres/A4587F25-5F3F-4FBA-8A90-818960801A9E.htm>
- 2004- Among the founders of the association "Law in the service of the Elderly". A member of the legal committee.
- 2003-2006 Academic Advisor, Citizenship Studies in Primary Schools in Israel. Szold Institute in Jerusalem.

9. Non-Scientific Publications

"Constitutional or Unconstitutional "33 *ANOTHER COUNTRY* 46-49 (2006) (providing a constitutional law analysis of the law privatizing the prisons in Israel).

"Who should Carry the Burden of Proof??" *I ADALAH REVIEW* 37-39 (1999) (critically analyzing the Supreme Court decision rejecting a petition dealing with discrimination claims with regard to allocation of resources in religious services).

Also published articles in the Israeli daily news on rights related issues: "Prisoners have no Lobby", *HAARETZ Daily*, 26.10.2005; "Undemocratic Demography", *YNET*, 14.2.2007 (with Gila Stopler); "Self Defending Democracy and Democratic Education", *MAARIV* 2005 (with Yoav Hammer).

10. Future Scientific Plans

Areas of Interest:

Judicial Review in Deeply-Divided Societies; Global Constitutionalism; Human Rights; the Right to Education; The Antidiscrimination Principle; Freedom of Religion; Freedom of Expression; Multiculturalism.

Under Submission

- An article titled "American Balancing and German Proportionality: The Historical Origins" (co-authored with Dr. Iddo Porat) was chosen after a rigorous selection process (10 out of hundreds proposal) to be presented and commented on in the inaugural meeting of the Harvard-Stanford International Junior Faculty Forum. The article has been submitted to American law reviews.
- "A Democratic Approach with 'Teeth' to Social Rights". Reviewing *EXPLORING SOCIAL RIGHTS: BETWEEN THEORY AND PRACTICE* (Daphne Barak-Erez and Aeyal Gross eds., 2008)

Work in Progress

- *Carolene Products* Abroad: Adjudicating Pluralism
- Lobbying and judicial Review (with Yoav Hammer).
- "Probability Tests in Israeli Basic Laws on Human Rights" (with Gila Stopler)