

PROFESSOR MARGIT COHN

CURRICULUM VITAE

23 APRIL 2022

PERSONAL DETAILS

Address: Faculty of Law, Hebrew University of Jerusalem, Mt. Scopus, Jerusalem, Israel

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HIGHER EDUCATION

- 2001 Post doctorate, Centre for Socio-Legal Studies, University of Oxford.
Host: Professor Denis Galligan, Head of the Centre.
- 1996-2000 LL.D., Hebrew University of Jerusalem.
- 1993-1995 LL.M., *magna cum laude*, Hebrew University of Jerusalem.
- 1980-1984 LL.B., *magna cum laude*, Hebrew University of Jerusalem.

ACADEMIC APPOINTMENTS AND VISITS

- 2022 Visiting faculty, the Center for Transnational Legal Studies, London.
- 2022 Full Professor, Faculty of Law, Hebrew University of Jerusalem.
- 2021 Academic Visitor, University of Pennsylvania Carey Law School (September).
- 2020 Erasmus + academic exchange scholar, Trinity College Dublin School of Law.
- 2019 Visiting Scholar, University College London Faculty of Laws (full year sabbatical).
- 2016 - Henry J. and Fannie Harkavy Chair in Comparative Law, Faculty of Law, Hebrew University of Jerusalem.
- 2016 Visiting Scholar and Lecturer, University of Trento School of Law.
- 2014 - Associate Professor, Faculty of Law, Hebrew University of Jerusalem.
- 2012 Tenure.
- 2006-2014 Senior Lecturer, Faculty of Law and Federmann School of Public Policy and Government, Hebrew University of Jerusalem.
- 2012-2013 Visiting Scholar and Lecturer, Columbia University Law School (full year sabbatical).
- 2010 Visiting Professor, Center for Transnational Legal Studies, London.
- 2009 Jay Altmayer Visitship, Tulane University Law School.
- 2008 Visiting Professor, LL.M. Programme in International and European Law Program, Université Jean Moulin Lyon 3.
- 2002-2005 Lecturer in Law, Faculty of Law, University of Leicester, UK.
- 1999-2001 Research assistant and researcher, Israel Democracy Institute.
- 1998-2001 Instructor/ Adjunct lecturer, The Faculty of Law, Hebrew University of Jerusalem.

ADDITIONAL FUNCTIONS/TASKS AT THE HEBREW UNIVERSITY (selected)

2020-	Member of advisory board, Mishpatim (Law Review, Hebrew University Faculty of Law).
2019-2022	Chair, Committee of Graduate and Advanced Studies, Faculty of law.
2015-2017	Convenor, Law Faculty Seminar.
2015-2017	Member, Disciplinary Tribunal for Academic Faculty, the Hebrew University.
2013-2015	Member, Administrative Rules Committee, Office of the Director General, the Hebrew University.
2013-2015	Vice-Dean for Academic Affairs, the Faculty of Law.
2013-2015	Member, Ethics committee, Faculty of Social Sciences.
2013-2015	Chair, Ethics committee, Federmann School of Public Policy and Government.
2006-2009	Head, student and faculty international exchange programs, Faculty of Law.
2006-2008	Co-Editor, Israel Law Review, Faculty of Law.

RESEARCH INTERESTS

- * Comparative Public Law: constitutional and administrative law in common-law and other legal systems (currently in progress of writing one book chapter and one article, the result two NUS international conferences).
- * The Executive Branch in a theoretical and comparative context.
- * Judicial review and the role of courts in the public decision-making arena
- * Law and Society / law and politics / the interface between law and political realities.

TEACHING

Courses Taught at the Hebrew University

- * Comparative Constitutional Law, seminar (LLB/LLM, Law).
- * Judicial Review: Theoretical and Comparative Aspects, class / seminar (LLB/LLM, Law).
- * Administrative Law (LLB, Law).
- * Graduate Study Research Workshop on Human Rights and Public Law (LLM/MA/LLB, Law).
- * Basic Concepts in Public Law (Honors MA in Public Policy).
- * Issues in Regulation (Honors MA in Public Policy, LLB/LLM, Law).
- * Public Policy, Law and Adjudication: Models of Interaction (Honors MA in Public Policy).

Courses Taught Elsewhere

- * The Executive Branch: Comparative and Political Aspects. (JD), University of Pennsylvania Carey Law School, 2021; (LLM), Center for Transnational Legal Studies, London, 2022.

- * Advanced Perspectives in Comparative Constitutional Law: Conversations with Margit Cohn. Erasmus three day seminar for PhD candidates, Faculty of Law, University of Trento, 2016.
- * Comparative Constitutional Law (LLB, JD) (Université Jean Moulin Lyon 3, Lyon, 2008; Center for Transnational Legal Studies, London, 2010; Columbia University Law School, 2013).
- * Judicial Review (JD) (Tulane University Law School, 2009).
- * Issues in Israeli Public Law (Osgoode Hall Summer Program, Jerusalem, 2011).
- * The Principle of Legality and Residual Powers of the Executive (Israel Bar Course on Administrative Law, Jerusalem, 2011, 2016).
- * Judicial Review (JD) (Tulane University Law School, 2009).
- * Constitutional and Administrative Law (LLB, University of Leicester, 2002-2005).
- * Learning Legal Skills (LLB, University of Leicester, 2002-2005).
- * Issues in Regulation (LLB, University of Leicester, 2002-2005).

PUBLICATIONS

BOOKS AND MONOGRAPHS

1. **Margit Cohn**, A Theory of the Executive Branch: Tension and Legality, Oxford: Oxford University Press, 2021. 322 pages + indices.
2. **Margit Cohn**, General Powers of the Executive Branch, Jerusalem: The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, The Hebrew University of Jerusalem, 2002. 457 pages + indices.
3. **Margit Cohn**, Energy Law. Israel, in International Encyclopædia of Laws, Alphen an den Rijn: Kluwer Law International, 2010. 193 pages + indices.

CHAPTERS IN COLLECTIONS

4. **Margit Cohn**, “Legal Transplants: A Theoretical Framework”, in Matthias Siems and Po Jen Yap (eds.), Cambridge Handbook of Comparative Law (Cambridge University Press, forthcoming 2022).
5. **Margit Cohn**, “The Executive Branch / Core Government”, in Aharon Barak, Barak Medina, and Yaniv Roznai (eds.), The Oxford Handbook on the Israeli Constitution (Oxford University Press, forthcoming).
6. **Margit Cohn**, “What is left of ‘Common Law’ Administrative Law? Concluding Remarks and a Layout of Future Paths”, in Swati Jhaveri and Michael Ramsden (eds.), Indigenizing Administrative Law in Common Law Systems (Cambridge University Press, 2021).
7. **Margit Cohn**, “Judicial Deference to the Administration in Israel”, in Zhu Guobin (ed.), Deference to the Administration in Judicial Review (Springer 2020) 231-269.
8. **Margit Cohn**, “Non-Statutory Executive Powers in France: A Comparison between Two Regimes”, in Comparative Law and... 51-63 (Presses universitaires d’Aix-Marseille, 2015).
9. **Margit Cohn**, “Sovereignty, Constitutional Dialogues and Political Networks”, in Sovereignty and the Law: Domestic, European and International Perspectives, 236-

- 250 (Richard Rawlings, Peter Leyland & Alison Young, eds., Oxford University Press, 2013).
10. **Margit Cohn**, “Proportionality in Israel and Beyond: Four Aspects”, in Israeli Constitutional Law in the Making 189-203 (Gideon Sapir, Daphne Barak-Erez & Aharon Barak eds., Hart Publications, 2013).
 11. **Margit Cohn**, “Unreasonableness in Administrative Law: Comparative Aspects and Some Normative Comments”, in Theodor Or Book 773-816 (Aharon Barak & Ron Sokol eds., Nevo Publishing, 2013) (in Hebrew).
 12. **Margit Cohn** and Dieter Grimm, “Human Dignity”, in Routledge Handbook of Constitutional Law 193-203 (Thomas Fleiner, Cheryl Saunders & Mark Tushnet eds., Routledge, 2012).
 13. **Margit Cohn**, “Law and Regulation: The Form and Role of Law in Regulation”, in Handbook of the Politics of Regulation 185-200 (David Levi-Faur ed., Edward Elgar, 2011).
 14. **Margit Cohn**, “Regulation and Fuzzy Legality: Government Intervention in the Israel Oil Market”, in Ariel Bendor, Yoav Dotan (eds.) Itshak Zamir Book on Law, State and Society, Jerusalem, Harry Sacher Institute for Legislative Research and Comparative Law, The Faculty of Law, Hebrew University of Jerusalem, 535-582 (2005) (in Hebrew).

ARTICLES IN REFEREED JOURNALS

15. **Margit Cohn**, “Comparative Public Law Research in Israel: A Gaze Westwards”, 14 Asian Journal of Comparative Law S11-S27 (2019).
16. **Margit Cohn**, ““Twenty Years After”: Thoughts on Common Understandings in the Proportionality Discourse”, 19 Mishpat U’Mimshal 229-270 (2018) (in Hebrew).
17. **Margit Cohn**, “When, and Where, Does History Begin? Collective Memory, Selective Amnesia, and the Treatment of Asylum Seekers in Israel”, 2017 University of Illinois Law Review 563-607 (2017).
18. **Margit Cohn**, “Tension and Legality: Towards a Theory of the Executive Branch”, 29 Canadian Journal of Law and Jurisprudence 321-350 (2016).
19. **Margit Cohn**, “Non-Statutory Powers in Three Regimes: Assessing Global Constitutionalism in a Structural-Institutional Context”, 64 International and Comparative Law Quarterly 65-102 (2015).
20. **Margit Cohn**, “Pure or Mixed? The Evolution of Three Grounds of Judicial Review of the Administration in British and Israeli Administrative Law”, 6 Journal of Comparative Law 86-114 (2012).
21. **Margit Cohn**, “Form, Formula and Constitutional Ethos: The Political Question/Justiciability Doctrine in Three Common Law Systems”, 59 American Journal of Comparative Law 675-713 (2011).
22. **Margit Cohn**, “Legal Transplant Chronicles: The Evolution of Unreasonableness and Proportionality Review of the Administration in the United Kingdom”, 58 American Journal of Comparative Law 583-629 (2010).

23. **Margit Cohn**, “Everything Flows: Mark Tushnet’s Rights Revolution and the Impact of Constitutional Dialogue”, 42 Israel Law Review, 472-482 (2010).
24. **Margit Cohn**, “Judicial Review of Non-Statutory Executive Powers after *Bancoult*: A Unified Anxious Model”, 2009 Public Law 260-286 (2009).
25. **Margit Cohn**, “Judicial Activism in the House of Lords: A Composite Constitutionalist Approach”, 2007 Public Law 95-115 (2007).
26. **Margit Cohn**, Mordechai Kremnitzer, “Judicial Activism: A Multidimensional Model”, 18 Canadian Journal of Law and Jurisprudence 333-356 (2005).
27. **Margit Cohn**, “Medieval Chains, Invisible Inks: On Non-Statutory Powers of the Executive”, 25 Oxford Journal of Legal Studies 97-122 (2005).
28. **Margit Cohn**, “Women, Religious Courts and Religious Law in Israel – The Jewish Case”, 27 Retfaerd, Scandinavian Journal of Social Sciences 57-76 (2004).
29. **Margit Cohn**, “Fuzzy Legality and National Styles of Regulation: Government Intervention in the Downstream Oil Market in Israel”, 24 Law and Policy 51-88 (2002).
30. **Margit Cohn**, “Fuzzy Legality in Regulation: The Legislative Mandate Revisited”, 23 Law and Policy 469-497 (2001).
28. **Margit Cohn**, “‘Patchwork’ Emergency Legislation”, 29 Mishpatim, 623-688 (1998) (in Hebrew).
31. **Margit Cohn**, “Ex Post Facto Hearing”, 4 Mishpat U’Mimshal, 95-131 (1997) (in Hebrew).

OTHER PUBLICATIONS

32. **Margit Cohn**, Blog conference, Administrative Law Blog, Contribution: “Response to Comments on *A Theory of the Executive Branch: Tension and Legality*” (December 2021).
33. **Margit Cohn**, “Comparing the Incomparable? On the Comparability of Regimes and the Double Value of Comparison”, in Online Blog in Honour of Professor Roberto Tonniati, University of Trento Faculty of Law.
34. **Margit Cohn**, “Theunis Roux: *The Politico-Legal Dynamics of Judicial Review*”, 28 Social and Legal Studies 725-730 (2019).
35. **Margit Cohn**, “Immunity of Central Banks”, in The State Immunity Bill: Advisory Committee for Legislation of State Immunity Law, Jerusalem: Ministry of Justice, 27-43, 2005 (in Hebrew).
36. **Margit Cohn**, “Social Citizenship in the Shadow of Competition: The Bureaucratic Politics of Regulatory Justification”, Book Review, 2004 Public Law 464-466.
37. **Margit Cohn** and Mordechai Kremnitzer, The High Court of Justice and Religion, Image and Reality: A Tri-dimensional Model of Assessment of Judicial Activism, Discussion Paper No. 56, Jerusalem: Israel Democracy Institute, 2004. 124 pages (in Hebrew).

37. **Margit Cohn**, Eli Linder and Mordechai Kremnitzer, The High Court of Justice and Religion, Image and Reality: ‘Manof: Jewish Information Center Publication, Discussion Paper No. 39, Jerusalem: Israel Democracy Institute, 2003. 44 pages (in Hebrew).
38. Yaron Ezrahi, Mordechai Kremnitzer, with participation of **Margit Cohn** and Eitan Alimi, “Israel: Towards a Constitutional Democracy: Principles for State and Regime Reform”, Jerusalem: Israel Democracy Institute, 2001. 124 pages (in Hebrew).

PARTICIPATION IN SCIENTIFIC CONFERENCES, INVITED LECTURES, AND FACULTY SEMINARS (past five years)

1. Law and Society Association Annual Meeting, Lisbon, July 2022 (forthcoming). Paper: “The Role of the Judiciary in a Multiple-Fora Participatory/Deliberative Democracy”.
2. Jerusalem Review of Legal Studies book symposium, June 22 (forthcoming). Response to panelists, on *A Theory of the Executive Branch: Tension and Legality*.
3. International Society of Public Law, Great Britain and Ireland Chapter Annual Conference. Member of Plenary Panel, Executive Power, Online, April 2022 (forthcoming).
4. Colloquium, Center for Transnational Legal Studies, London, February 2022. Paper: “The Role of the Judiciary in a Multiple-Fora Participatory/Deliberative Democracy”.
5. University of Maryland Carey School of Law, the University of Milan Law School, and Reichman University Colloquium, Online, February 2022. Paper: “On a Theory of the Executive Branch: Tension and Legality”.
6. Blog conference, Administrative Law Blog, October-December 2021. Contribution: “Response to Comments on *A Theory of the Executive Branch: Tension and Legality*”.
7. Israel Ministry of Justice Public Law Working Group, Jerusalem, November 2011. Paper: “A Theory of the Executive Branch: Tension and Legality”.
8. International Conference: Questions of Accountability, November 2021, Worcester University and online. Keynote event participant, “Executive Powers, Fuzzy Law and the Problem of Accountability”.

9. Seminar, University of Essex School of Law, October 2021. Paper: "On a Theory of the Executive Branch: Tension and Legality".
10. Hebrew University Faculty of Law, Faculty Seminar, Jerusalem, December 2020. Paper: "The Role of the Judiciary in a Multiple-Fora Participatory/Deliberative Democracy".
11. Tel Aviv University Faculty of Law, Public Law Workshop, Tel Aviv, June 2020. Paper: "Keeping the Executive Branch under Check: The Role of Courts in a Multi-Player Deliberative Democracy".
12. Minerva Center for the Rule of Law under Extreme Conditions, Haifa University, January 2020. Lecture: "Fuzziness in Emergency Law".
13. Israel Law and Society Association Annual Conference, December 2019. Paper: "Executive Powers and Fuzzy Legality: A Multi-Dimensional Model".
14. Carleton University, Ottawa, October 2019. 2019 Barton Public Lecture: "The U.S., Iran and Beyond: Executive Powers Re-examined".
15. Carleton University, Ottawa, October 2019. Participant, International Workshop, "Reforming the Prerogative".
16. Trinity College Dublin, Law School Research Workshop, Dublin, February 2019. Lecture: "On a Theory of the Executive Branch".
17. UCL Public Law Discussion Group, London, February 2019. Lecture: "On the Theory of the Executive Branch".
18. Congress of the International Academy of Comparative Law (AIDC/IACL), Fukuoka, Japan, July 2018. Paper: "Judicial Deference to the Administration in Israel".
19. Public Law Conference, Melbourne, July 2018. Paper: "A Theory of the Executive Branch: Tension and Legality".
20. Annual conference, ICON-S, Hong Kong, June 2018. Paper: "The Prerogative and Non-Statutory Powers: A Comparative Analysis".

OTHER ACADEMIC AND PROFESSIONAL EXPERIENCE

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| 2021- | Member, Advisory Board, Routledge Frontiers in Accountability Studies (book series). |
| 2011-2013 | Member, Sub-Committees for Evaluation of Academic Programs in Law, Israel Council for Higher Education. |
| 2002-2008 | Member, Academic Advisory Committee for Legislation of State Immunity Act, Israel Ministry of Justice. |
| 1987-2000 | Legal Advisor, Office of the General Counsel, Bank of Israel (Israeli Central Bank). |
| 1985-1986 | Intern, Administrative Claims Department, Ministry of Justice, and Ministry for Foreign Affairs, Israel. |
| 1983 | Parliamentary Aide, MK Professor Amnon Rubinstein, Israel Knesset. |

1977-1980 Program Editor and Producer, *Galey Tsahal* (military radio station, during military service).