

ORI ARONSON

Bar-Ilan University Faculty of Law, Ramat-Gan 5290002, Israel
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Education:

- 2010 **S.J.D., Harvard Law School**
Dissertation: *Down the Avenues of Judicial Power: Toward a Pluralist Theory of Court System Design*
Committee: Prof. Martha Minow (main supervisor), Prof. Mark Tushnet, Prof. Jed Shugerman
- 2006 **LL.M., Harvard Law School**
Thesis: *Rethinking the Structure of Trial Courts* (supervisor: Prof. Martha Minow)
- 2004 **LL.B., *Summa Cum Laude*, Hebrew University of Jerusalem, Israel**
Member of the Editorial Board of *Mishpatim*, the Hebrew University Law Review
- 2003 **Graduate, *Amirim* Honors Program** for Outstanding Students, Faculty of the Humanities, Hebrew University of Jerusalem, Israel

Academic Appointments:

- 2017-present **Senior Lecturer (Associate Professor), Bar-Ilan University Faculty of Law**
- Director of International Programs
- Deputy Director, Center for Jewish and Democratic Law
Courses: Civil Procedure; Public Law; Separation of Powers in a Constitutional Democracy; Courts—Institutional Aspects; Judicial Review; The State as Resolver of Disputes; Public Law Workshop; Adjudication Workshop; Litigation Workshop; Democracy and Disagreement Reading Group; Methods in Legal Research; Advanced Writing Workshop
- 2011-2017 **Lecturer (Assistant Professor), Bar-Ilan University Faculty of Law**
- 2015-2016 **Visiting Professor, UC Berkeley School of Law, Berkeley CA**
The Rosalinde and Arthur Gilbert Foundation/Israel Institute Visiting Professor, Berkeley Institute for Jewish Law and Israel Studies
Courses: Comparative Constitutional Law; A Jewish and Democratic State; Israeli Constitutional Cases;
- 2016 **Visiting Professor, Judicial Studies Program, University of Nevada Reno, NV**
Course: Power, Politics, Courts, and the Judicial Role
- 2007-2008 **Teaching Fellow, Harvard Kennedy School**
Course: Ethics in Public Life

Additional Academic Appointments:

- 2014-2015 **Distinguished Visiting Scholar**, Berkeley Institute for Jewish Law and Israel Studies, UC Berkeley School of Law
- 2014-2015 **Network Fellow**, Edmond J. Safra Center for Ethics, Harvard University (Chair: Prof. Lawrence Lessig)
- 2009-2010 **Research Fellow**, Sacher Institute for Legislative Research and Comparative Law, Hebrew University of Jerusalem (Chair: Prof. Michael Karayanni)
- 2008-2009 **Dissertation Fellow**, Project on Justice, Welfare and Economics, Weatherhead Center for International Affairs, Harvard University (Chair: Prof. Amartya Sen)
- 2007-2008 **Graduate Program Fellow**, Harvard Law School
- 2002-2005 **Tutor and Teaching Assistant**, Hebrew University of Jerusalem, Faculty of Law

Professional Experience:

- 2006-2007 **Law Clerk** to Judge Jon O. Newman, United States Court of Appeals for the Second Circuit, New York, NY
- 2003-2005 **Law Clerk** and **Senior Law Clerk** to Chief Justice Aharon Barak, President of the Supreme Court of Israel

Awards, Scholarships & Grants:

- 2014-2017 **Research Grant, Israel Science Foundation**
Research Title: Constitutionalism from Below: Diffuse Judicial Review and the Democratic Effects of Court Hierarchy; \$60,000
- 2015 **S.Z. Cheshin Prize for Academic Excellence in Law for Young Scholar**
- 2014 **Gorney Prize for Young Scholar in Public Law**, awarded annually by the Israeli Association of Public Law
- 2013-2014 **Research Grant**, Minerva Center for Human Rights, Hebrew University of Jerusalem
Research Title: The Hidden Constitution – Judicial Review in Trial Courts; \$2,000
- 2011-2014 **Alon Scholar**, National Council for Higher Education, Israel
Awarded to few entry-level faculty members of all scholarly fields
- 2007-2010 E. David Fischman Scholarship for Doctoral Studies
- 2005 Myer and Etta Dana Scholarship for Graduate Studies, Harvard University

2000-2002 Dean's Honors Lists, Faculty of Law, Hebrew University of Jerusalem

2001 Oberlander Prize in Public International Law, Hebrew University of Jerusalem

Memberships: Member of the COST Action "European network for argumentation and public policy analysis (APPLY)", CA17132

Member of the Board of Directors of the Israeli Association of Public Law

Member of the Advisory Board of VERSA: The Israel Supreme Court Project at the Benjamin N. Cardozo School of Law, Yeshiva University

Member of the Advisory Board of the Israel Chapter of the International Society for Public Law (ICON-S-IL)

Member, International Society for Public Law (ICON-S)

Member, Law & Society Association

Admitted, Israel Bar (2004)

Publications: *"Jewish and Democratic" as a Methodology*, 19 DEMOCRATIC CULTURE (forthcoming 2019) (Heb.), with Shahar Lifshitz

The Law from Trial Courts, 9 MA'ASEI MISHPAT 135 (2018) (Heb.)

The Next Forty Presidents, 24 WILLIAM & MARY JOURNAL OF WOMEN & THE LAW 235 (2018)

The How Many Question: An Institutionalists' Guide to Pluralism, in INSTITUTIONALIZING RIGHTS AND RELIGION: COMPETING SUPREMACIES 147-163 (Leora Batnitzky & Hanoch Dagan eds., CUP 2017)

Enforcing Court Decisions on State Actors – An Institutional Framework, 19 LAW & BUSINESS 1271 (2016) (Heb.)

Why Hasn't the Knesset Abolished Basic Law: Human Dignity and Liberty? On the Status Quo as Countermajoritarian Difficulty, 37 I'YUNEI MISHPAT 509 (2016) (Heb.)

The Democratic Case for Diffuse Judicial Review, 16 LAW & GOVERNMENT 9 (2015) (Heb.)

Forum by Coin Flip: A Random Allocation Model for Jurisdictional Overlap, 45 SETON HALL LAW REVIEW 63 (2015)

Best of Luck: On Randomness in Procedure, in LAW, SOCIETY & CULTURE: PROCEDURES 135-173 (Talia Fisher & Issi Rosen-Zvi eds., 2014) (Heb.)

In the Wake of the Immanuel Affair: Law, Culture, and Daily Life, 15 DEMOCRATIC CULTURE 7 (2013) (Introduction, with Avi Shoshana)

The Democratic Case for Diffuse Judicial Review in Israel, in ISRAELI CONSTITUTIONAL LAW IN THE MAKING 121-137 (Gideon Sapir, Daphne Barak-Erez & Aharon Barak eds., 2013)

In/Visible Courts: Military Tribunals as Other Spaces, in SECRECY, NATIONAL SECURITY AND THE VINDICATION OF CONSTITUTIONAL LAW 229-246 (David Cole, Federico Fabbrini & Arianna Vidaschi eds., 2013)

Response Comment: Innovation, Aggregation, and Specialization, 100 THE GEORGETOWN LAW JOURNAL ONLINE 28 (2012)

Out of Many: Military Commissions, Religious Tribunals, and the Democratic Virtues of Court Specialization, 51 VIRGINIA JOURNAL OF INTERNATIONAL LAW 231 (2011)

Getting It Right: Institutional Design and Epistemic Competence in Law and the Limits of Reason, 2 JERUSALEM REVIEW OF LEGAL STUDIES 32 (2010)

Inferiorizing Judicial Review: Popular Constitutionalism in Trial Courts, 43 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 971 (2010)

**Edited
Volumes:**

DEMOCRATIC CULTURE Vol. 19 (2019), on the challenge of Israel as a Jewish and Democratic State (guest editor, with Shahar Lifshitz)

DEMOCRATIC CULTURE Vol. 15 (2013), on the aftermath of the *Emmanuel* Ultra-Orthodox Girls School Affair (guest editor, with Avi Shoshana)

**Works in
Progress:**

The Uses of the Constitution: an Analysis of Trial Court Reasoning

Constitutionalism from Below: The Democratic Effects of Court Hierarchy

Appeals as Intermediates: Toward a Non-Hierarchic Theory of Appellate Review

Do Welfare States Enjoy a 'Freedom to Fund'? On Conditional Cash Transfer and Political Speech (with Hila Shamir)

Status Quo as Countermajoritarian Difficulty

Religious Adjudication along the Public-Private Divide

Conference & Workshop Appearances: *Border Disputes: Navigating the Public/Private Nexus in Religious Adjudication*, presented at the ATLAS Agora academic conference, University College Dublin, June 13, 2019

Conference organizer and paper presenter: *The Nationality Law and the Jewish Majority*, presented at the conference "Interpreting the Nationality Law," Bar-Ilan University, June 11-12, 2019

Comment on Hadad and Hofnung's Legal Framing and Judicial Policy-Making, presented at the international workshop "Comparative Supreme Court Decision Making," Hebrew University of Jerusalem, December 16-17, 2018

Do Welfare States Enjoy a 'Freedom to Fund'? On Conditional Cash Transfers and Political Speech, presented at the ATLAS Agora academic conference, American University Washington College of Law, Washington, DC, June 14, 2018

Do Welfare States Enjoy a 'Freedom to Fund'? On Conditional Cash Transfer and Political Speech, presented at the international workshop "Privatization: a Contested Concept," Tel Aviv University, June 12, 2018

Conference organizer and paper presenter: *The Uses of the Constitution: an Analysis of Trial Court Reasoning*, presented at the international workshop "Law & Big Data," Bar-Ilan University, May 14-15, 2018

Do Welfare States Enjoy a 'Freedom to Fund'? On Conditional Cash Transfers and Political Speech, presented at the fourth annual conference of the Israeli Chapter of the International Society of Public Law (ICON-S-IL), IDC Herzliya, March 12, 2018

Workshop Organizer and Chair: "The Hohfeld Table Turns 100," Bar-Ilan University Faculty of Law, December 24, 2017

Free Speech, Conditional Funding, and the Welfare State, presented at the annual conference of the Israeli Association of Public Law, Zichron Yaakov, December 22, 2017

The Constitution in Trial Courts: An Empirical Study, presented at the annual conference of the International Society of Public Law (ICON-S), University of Copenhagen, Denmark, July 5-7, 2017

Civil Litigation as Civic Participation: a Comment on "Injustice in Person," presented at the symposium on the book by Rabeea Assy (Haifa) at the Hebrew University of Jerusalem, June 9, 2017

Member of the organizing committee of the second annual international conference of the Center for Jewish and Democratic Law on “Responsibility in a Changing World,” Bar-Ilan University, June 4-5, 2017

Chair of the organizing committee of the third annual conference of the Israeli Chapter of the International Society of Public Law (ICON-S-IL) and paper presenter: *The Constitution in Trial Courts*, Bar-Ilan University, March 30, 2017

The Constitution in Trial Courts: Evidence from Israeli adjudication, presented at the Expert Seminar on “The Deliberative Performance of Constitutional Courts: an Empirical Perspective,” University of Antwerp, Belgium, February 23-24, 2017

Workshop organizer and paper presenter: “The Constitution in Trial Courts: Law, Hierarchy, Democracy,” Bar-Ilan University Faculty of Law, January 3-5, 2017

Comment on David Landau’s ‘Structure and the Limits of Transnational Dialogue: The Example of Term Limits in Latin America,’ presented at the conference “Global Constitutionalism and Human Rights,” Boston College Law School, Boston, MA, December 1-2, 2016

Comment on Lurie, Reichman, and Sagy’s ‘The Regulation of Judges: Institutional Realism and the Hidden Importance of Agencification,’ presented at the conference “Manging Judges: Technology, History, and Separation of Powers,” University of Haifa, Israel, December 21-23, 2016

Do Welfare States Have a ‘Freedom to Fund’? Conditional Cash Transfers and the Regulation of Political Speech, presented at the conference “Between Europe and the United States: The Israeli Supreme Court in Comparative Perspective,” Cardozo Law School, New York, NY, June 27, 2016

Conference organizer and panels chair: “Jewish and Democratic Law: Redrawing Boundaries,” Bar-Ilan University Faculty of Law, December 28-30, 2015

The How Many Question: An Institutionalists’s Guide to Pluralism, presented at the Workshop in Law, Philosophy, and Political Theory, UC Berkeley School of Law, Berkeley, CA, November 6, 2015

How Come Israel Still Has a Constitution? On the Status Quo as Counter-majoritarian Difficulty, presented at the Israel Studies Colloquium, Berkeley Institute for Jewish Law and Israel Studies, UC Berkeley School of Law, Berkeley, CA, October 8, 2015

The ‘How Many’ Question: An Institutionalists’s Guide to (Legal) Pluralism, presented at the annual conference of the Law & Society Association, Seattle, WA, May 28-31, 2015

Religious Adjudication Along the Public-Private Divide, presented at the conference “Constitutional Conflicts and the Judicial Role in Comparative Perspective,” Cardozo Law School, New York, NY, May 17-18, 2015

Judging in the Shadow of the Law: Private Forums and Privatized Adjudication in Israel, presented at “The Private Sphere as Public Policy: A Symposium on Law and Society in Israel,” UC Berkeley School of Law, February 17, 2015

The How Many Question: An Institutionalists’ Guide to Pluralism, presented at the conference “Religions, Rights, and Institutions,” Princeton University, November 23-24, 2014

Status Quo as Countermajoritarian Difficulty, presented at the inaugural conference of the International Society of Public Law (ICON-S), University of Florence & European University Institute, Florence, June 26-28, 2014

Enforcing Court Decisions on State Actors – An Institutional Framework, presented at the conference “Judicial Discretion – Theoretical and Empirical Analyses,” IDC Herzliya, March 19, 2014

Military Tribunals for Terrorism Suspects – A Critique of the Discourse, presented at the Human Rights Seminar of Bocconi University Faculty of Law, Milan, March 14, 2014

Comment on Cohen Eliya & Porat’s ‘The Knobe Effect and Indifference in Constitutional Law,’ given at the workshop “Human Rights and the Human Mind,” College of Law & Business, Ramat-Gan, January 1-2, 2014

Designing a Judicial Laboratory for Democratic Risk Governance, presented at the workshop “Democratization of Risk Governance,” Bar-Ilan University & Tel Aviv University, December 18-19, 2013

Why Hasn’t the Knesset Abolished Basic Law: Human Dignity and Freedom? The Status Quo as a Countermajoritarian Difficulty, presented at the Tel Aviv Law Review Symposium on “Law of the Parliament,” Tel Aviv University, November 8, 2013

The Democratic Case for Diffuse Judicial Review, presented to the justices of the Israeli Supreme Court at the Forum for Court-Academia Cooperation, Jerusalem, September 16, 2013

Economic Litigation, Jurisdictional Pluralism, and the Politics of Judicial Expertise, presented at the workshop “Expertise, Justice and Changing Legal Orders,” Tel Aviv University, June 18-19, 2013

Non-Compliance with High Court Directives as an Institutional Failure: A Proposal for an Enforcement Model, presented at the conference held in Honor of Retired

Chief Justice Dorit Beinisch, Bar-Ilan University & Hebrew University of Jerusalem, April 22-23, 2013

The Case for Procedural Irrationality: Randomization in Choice of Forum and Beyond, presented at the 2012 Harvard-Stanford International Junior Faculty Forum, Stanford Law School, Palo Alto, CA, October 18-19, 2012

Border Disputes: Negotiating the Boundaries of State Power under Jurisdictional Pluralism, presented at the conference "Stateless Law? The Future of the Discipline," McGill University Faculty of Law, Montreal, September 28-29, 2012

Comment on Mitchel Lasser's 'Fundamentally Flawed: The ECJ's Jurisprudence on Fundamental Rights and Fundamental Freedoms,' presented at the conference "Public and Private, Beyond Distinctions?" Cornell Law School, Ithaca, NY, October 11-12, 2012

Border Disputes: Distributive Reflections on Israel's Mixed Record in Pluralizing Economic Litigation Forums, presented at the Osgoode Hall Law School & Bar-Ilan Law Faculty Joint Symposium "Critical Reflections on Legal Pluralism in the State and Beyond," Bar-Ilan University, July 1-2, 2012

Why Hasn't the Knesset Abolished Basic Law: Human Dignity and Freedom? The Status Quo as a Countermajoritarian Difficulty, presented at the conference "Twenty Years to the Human Rights Revolution," Hebrew University of Jerusalem and IDC Herzliya, December 19-21, 2011

In/Visible Courts: Military Tribunals as Other Spaces, presented at the International Association of Constitutional Law Workshop on "Secrecy, National Security, and the Vindication of Constitutional Law," Bocconi University, Milan, December 1-2, 2011

Between Diffuse and Concentrated Judicial Review: An Israeli Hybrid and Its Alternatives, presented at the international conference "Israeli Constitutional Law in the Making – Comparative and Global Perspectives," Bar-Ilan University, Tel Aviv University, and IDC Herzliya, May 22-24, 2011

Conference organizer and panel chair: "Between Sanctity and Legality: The Aftermath of the *Immanuel* Girls School Ordeal – An Interdisciplinary Conference", Bar-Ilan University, October 31, 2010

Getting It Right: Institutional Design and Epistemic Competence in "Law and the Limits of Reason", presented at the symposium on the book by Professor Adrian Vermeule, Hebrew University of Jerusalem, January 8, 2010

Reifying Constitutionalism?, presented at the conference "Judicial Review: Why, Where, and for Whom?" Hebrew University of Jerusalem, May 31-June 1, 2009

Professional Programs: LEC Workshop for Law Professors on the Economics of Litigation and Civil Procedure, Duck Key, FL, January 29 – February 1, 2015

Languages: English, Hebrew, Arabic (spoken, basic), French (basic),