

Prof. Eugene Kontorovich

## POSITIONS HELD

**George Mason University, Antonin Scalia Law School**, Professor of Law, Aug. 2018 – present; *Founding Director, Center for the Middle East & International Law*, July 2019- ; Assistant Professor, Jan. 2003 – May 2007. Courses: Civil Procedure; Con Law; International Law; Pandemic Law Seminar.

**Heritage Foundation**, *Senior Research Fellow*, Feb. 2025 – present.

**Kohelet Policy Forum** (Jerusalem, Israel), *Director of Int'l Law Dept. & senior fellow*, 2015-2024. *Associate senior fellow*, 2025- present.

**Northwestern University Pritzker School of Law**, *Professor*, 2011 – Aug. 2018; *Associate Professor*, June 2007-11; *Visiting Professor*, Fall 2006. Courses: Constitutional Law, Federal Jurisdiction, Public International Law.

**University of Chicago Law School**, *Visiting Professor*, 2005-07.

**Judge Richard Posner**, U.S. Court of Appeals, 7<sup>th</sup> Circuit, *Law Clerk*, Aug. 2001 – Aug. 2002.

**Wachtell, Lipton, Rosen & Katz, L.L.P.**, *Summer Associate*, 2000.

**The Wall Street Journal**, *Assistant Features Editor*, editorial page, April - July 1998.

**The New York Post**, *Editorial Board Member*, March 1997 – Feb. 1998.

**Forward**, *Contributing Editor*, 1996 – 2000; service in New York, Washington, Israel bureaus

## EDUCATION

**University of Chicago Law School**, J.D. with High Honors, June 2001.

- Awards: Order of the Coif; Bradley Fellowship in Law and Econ., 2000-01; Institute for Humane Studies Fellowship, 2000-2001; Bradley Fellowship in Law & Governance, 1999-2000.
- Member, *University of Chicago Law Review*, vols. 67 & 68.

**University of Chicago**, B.A., with General Honors and Special Departmental Honors, Dec. 1996.

## AWARDS & FELLOWSHIPS

The Federalist Society Paul M. Bator Prize (2012) (awarded to law professor under age of forty for excellence in legal scholarship and teaching, and who has made a significant public impact)

Institute for Advanced Study, *Member*, School of Social Sciences, 2011-12

Lady Davis Visiting Professorship, Hebrew University (2013-14).

## **PUBLICATIONS**

### **Books**

ECONOMICS ANALYSIS OF INTERNATIONAL LAW (editor) (with Francesco Parisi) (EDWARD ELGAR 2016)

### **Academic Articles & Book Chapters**

*Foreign Commerce Clause; Law of Nations Clause; Piracies & Felonies Clause*, HERITAGE GUIDE TO THE CONSTITUTION (3<sup>rd</sup> ed. 2025) (forthcoming)

*Settlers in Syria: Turkey's Transfer of Population and the Geneva Conventions*, EMORY J. INT'L LAW (forthcoming, 2025)

*The International Criminal Court is a Political Institution That, Like Other Bureaucracies, Seeks to Expand Its Authority and Budget*, ICC Forum (June 2025)

*International Courts & Tribunals (Overview)* ELGAR ENCYCLOPEDIA OF CRIMINAL LAW & CRIMINAL JUSTICE (2023)

*Lochner Under Lockdown*, 2021 U. CHICAGO L. FOR. 169-90

*Jus Post Bellum of Illegally Implanted Settler Populations*, in THE JUSTICE OF PEACE AND JUS POST BELLUM, CARSTEN STAHN ET AL., EDS., (Oxford University Press 2020)

*Some State Practice Regarding Trade With Occupied Territories: From the GATT to Today*, in ECONOMIC ACTIVITIES IN OCCUPIED TERRITORIES: INTERNATIONAL, EU LAW AND BUSINESS AND HUMAN RIGHTS PERSPECTIVES, A. DUVAL & E. KASSOTI, EDS. (Routledge 2020).

*A Comparative Constitutional Perspective On Israel's Nation-State Law*, 25 ISRAEL STUDIES 137-52 (2020) [peer reviewed]

*Posner's Pragmatic Justiciability Jurisprudence*, 86 UNIVERSITY OF CHICAGO L. REV. 1117-37 (2019)

*Exiting Paris: What the Climate Accord Teaches About the Features of Treaties and Executive Agreements*, 51 CASE WESTERN INT'L LAW REVIEW 103 (2019)

*The Parochial Uses of Universal Jurisdiction*, 94 NOTRE DAME L. REV. 1417 (2019)

*Unsettled: A Global Study of Settlements in Occupied Territory*, 9 JOURNAL OF LEGAL ANALYSIS 285-350 (2017) [peer reviewed]

*Palestine, Ut Possidetis Juris and the Borders of Israel*, 58 ARIZONA LAW REVIEW 633-92 (2016) (with Abraham Bell)

*International Decisions: In re Arctic Sunrise* (Netherlands v. Russia), 110 AMERICAN JOURNAL OF INTERNATIONAL LAW 96 (2016)

*Economic Dealings With Occupied Territories*, 53 COLUMBIA JOURNAL TRANSNATIONAL LAW 584 (2015)

*Resolution 242 Revisited: New Evidence on the Required Scope of Israeli Withdrawal*, 16 CHICAGO JOURNAL OF INTERNATIONAL LAW 127 (2015)

*Why Judges Always Vote*, 43 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 190-99 (2015) (with Tonja Jacobi) [peer reviewed]

*Pirate "Globalisation": Dividing Responsibility Among Countries, Companies, and Criminals*, in *DISTRIBUTION OF RESPONSIBILITIES IN INTERNATIONAL LAW*, ANDRE NOLLKAEMPER & DOV JACOBS, EDS. pp. 386-403 (Cambridge U. Press 2015)

*The Problems of Pirate Punishment*, in *PROSECUTING MARITIME PIRACY: DOMESTIC SOLUTIONS TO INTERNATIONAL CRIME*, MICHAEL SCHARF, ET. AL., EDS. pp. 299-319 (Cambridge U. Press 2015)

*When Gravity Fails: Israeli Settlements and Admissibility in the International Criminal Court*, 47 ISRAEL LAW REVIEW 379-99 (2014) [peer reviewed]

*Three International Courts and Their Constitutional Problems*, 99 CORNELL LAW REV. 1353-86 (2014)

*Kiobel Surprise: Unexpected by Scholars but Consistent With International Trends*, 89 NOTRE DAME LAW REVIEW 1671 (2014)

*Israel/Palestine – The ICC's Uncharted "Territory,"* 11 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE 979-99 (2013) [peer-reviewed]

*International Decisions: United States v. Dire*, 107 AMERICAN JOURNAL OF INTERNATIONAL LAW 644-49 (2013)

*Discretion, Delegation and Defining in the Constitution's Law of Nations Clause*, 106 NORTHWESTERN UNIVERSITY LAW REVIEW 1675-1751 (2012)

*A Tort Statute, With Aliens and Pirates*, 107 NORTHWESTERN U. LAW REV. COLLOQUY 100 (2012)

*The Piracy Prosecution Paradox Political and Procedural Problems with Enforcing Order on the High Seas*, 13.2 GEORGETOWN JOURNAL OF INTERNATIONAL AFFAIRS (2012) [peer-reviewed]

*Piracy*, in NATIONAL SECURITY LAW IN THE NEWS: A GUIDE FOR JOURNALISTS, SCHOLARS AND POLICYMAKERS, Timothy McNulty, et. al., eds. (ABA 2012)

*An Economic Analysis of Fact Witness Payment*, 3 JOURNAL OF LEGAL ANALYSIS 139-64 (with Ezra Friedman) (2011) [peer-reviewed]

*An Empirical Examination of Universal Jurisdiction for Piracy*, 104 AMERICAN JOURNAL OF INTERNATIONAL LAW 326 (with Steven Art) (2010) [peer-reviewed]

*"A Guantanamo on the Sea": The Difficulty of Dealing With Pirates and Terrorists*, 98 CALIFORNIA LAW REVIEW 234 (2010)

*The Constitutionality of International Courts: The Forgotten Precedent of Slave Trade Tribunals*, 158 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 39 (2009)

*The "Define and Punish" Clause and the Limits of Universal Jurisdiction*, 103 NORTHWESTERN UNIVERSITY LAW REVIEW 149 (2009)

*International Decisions: United States v. Shi*, 103 AMERICAN JOURNAL OF INTERNATIONAL LAW 734-40 (2009)

*Beyond the Article I Horizon: Congress's Enumerated Powers and Universal Jurisdiction Over Drug Crimes*, 93 MINNESOTA LAW REVIEW 1191 (2009)

*The Inefficiency of Universal Jurisdiction*, 2008 UNIVERSITY OF ILLINOIS LAW REVIEW 389-418 (2008)

*Originalism and the Difficulties of History in Foreign Affairs*, 53 ST. LOUIS UNIVERSITY LAW JOURNAL 39-52 (2008)

*What Standing is Good For*, 93 VIRGINIA LAW REVIEW 1663 (2007)

*Inefficient Customs in International Law*, 48 WILLIAM & MARY LAW REVIEW 859-922 (2006)

*Disrespecting the "Opinions of Mankind": International Law in Constitutional Interpretation*, 8 GREEN BAG 2D 261 (2005)

*The Constitution in Two Dimensions: A Transaction Cost Analysis of Constitutional Remedies*, 91 VIRGINIA LAW REVIEW 1135-1198 (2005)

*Implementing Sosa v. Alvarez-Machain: What Piracy Teaches About the Limits of the Alien Tort Statute*, 80 NOTRE DAME LAW REVIEW 111 (2004)

*Liability Rules for Constitutional Rights: The Case of Mass Detentions*, 56 STANFORD LAW REVIEW 755 (2004)

*The Piracy Analogy: Modern Universal Jurisdiction's Hollow Foundation*, 45 HARVARD INTERNATIONAL LAW JOURNAL 183 (2004)

*The Arab League Boycott and WTO Accession: Can Foreign Policy Excuse Discriminatory Sanctions?* 4 CHICAGO JOURNAL OF INTERNATIONAL LAW 283 (2003)

*The Mitigation of Emotional Distress Damages*, 68 UNIVERSITY OF CHICAGO LAW REVIEW 491 (2001)

### **Legislative testimony**

*Recognizing a Palestinian State Now Would Put Politics Ahead of International Law*, testimony before Canadian House of Commons Foreign Affairs Committee (Oct. 31, 2024)

*What Antisemitism Means Today: Invoking the Jewish State to Justify Jew-hate*, testimony before House Committee on Foreign Affairs, Subcommittee on Global Health, Global Human Rights, and International Organizations (June 22, 2023)

*The Anti-Semitic Nature of Boycotts Singling Out Israel*, testimony before House Homeland Security Committee, Subcommittee on Intelligence and Terrorism (Jan. 15, 2020)

*Transparency for Internet Companies' Political Filtration of User-Generated Content*, testimony before Senate Judiciary Committee, Subcommittee on the Constitution (April 10, 2019)

*International Law and the Recognition of Israeli Sovereignty in the Golan Heights*, testimony before the U.S. House Committee on Oversight, Subcommittee on National Security (July 17, 2018)

*U.S Policy on Israel Held Hostage by Threats and Outdated Arguments*, testimony before the U.S. House Committee on Oversight, Subcommittee on National Security (Nov. 7, 2017)

*Two Recent Examples of Executive Undermining of Congress's Spending and Foreign Commerce Powers*, testimony before the U.S. House Judiciary Committee, Task Force on Executive Overreach (May 12, 2016)

*Economic Warfare Against Israel: Its Status in United States Law and International Trade Law*, testimony before the U.S. House Committee on Oversight, Subcommittee on National Security (July 28, 2015)

*The Palestinian ICC Bid and U.S. Interests*, testimony before the U.S. House Committee on Foreign Affairs, Subcommittee on the Middle East & North Africa Hearing (Feb. 4, 2015)

### **OCCASSIONAL ESSAYS & OP-EDS (SELECTED LIST)**

*The Next Prosecution of Donald Trump*, WALL STREET JOURNAL A17 (Oct. 5, 2025)

*Israel: A Model Ally, A Model Society*, PUBLIC DISCOURSE (NOV. 3, 2025)

*Trump doesn't have to quit UNESCO again because we never lawfully rejoined*, The Hill (Aug. 20, 2025)

*Time to shut down the failed U.N. Lebanon mission*, WALL STREET JOURNAL A17 (Aug. 18, 2025)

*BDS Will Be Bad for Irish Business*, WALL STREET JOURNAL A15 (July 14, 2025)

*Investigate the International Criminal Court's Prosecutor*, NATIONAL REVIEW (July 3, 2025)

*Evangelicals beware: A UN official targets two small Christian groups over their support for Israel*, WORLD (July 1, 2025)

*Get the U.S. Out of UNESCO for Good*, WALL STREET JOURNAL A15 (April 28, 2025)

*It's Time to Hold International Organizations Accountable for Supporting Terrorism*, NATIONAL REVIEW (April 23, 2025)

*Egypt Defies Trump, Will He Cut Aid?*, WALL STREET JOURNAL A13 (March 20, 2025)

*The U.N. Is Ripping America Off in New York*, WALL STREET JOURNAL A13 (March 15, 2025)

*International Law is No Bar to Trump's Gaza Proposal*, WALL STREET JOURNAL A17 (March 4, 2025)

*Next, Defund the United Nations*, WALL STREET JOURNAL A17 (Feb. 12, 2025)

*Senate Democrats sank ICC sanctions – making Trump the court's next target*, NEW YORK POST 31 (Feb. 6, 2025) (with Erielle Azerrad)

*The U.S Has Rights Over the Panama Canal*, WALL STREET JOURNAL A15 (Feb. 5, 2025)

*America Gets a Taste of Glasnost*, WALL STREET JOURNAL A15 (Jan. 9, 2025) (with Vladimir Kontorovich)

*End the Houthis' Threat to Global Trade*, WALL STREET JOURNAL A17 (Dec. 22, 2024)

*The International Criminal Court's Folly*, THE ATLANTIC (Nov. 27, 2024)

*Biden's Sanctions Hammer Israel's Jews*, NEW YORK POST 27 (Nov. 18, 2024) (with Marc Dubowitz)

*The Louisiana 10 Commandments Law*, CITY JOURNAL (Fall 2024)

*Trump Should Fire the U.N. Forces in Lebanon*, WALL STREET JOURNAL A17 (Oct. 16, 2024)

*Justice Dept. Sides Against Oct. 7<sup>th</sup> Vics*, NEW YORK POST 35 (Sept. 26, 2024) (with Mark Goldfeder)

*Biden's Unconstitutional Sanctions on Supporters of Israel*, WALL STREET JOURNAL A17 (Aug 7<sup>th</sup>, 2024)

*Hypocrisy & Tumult Greet Netanyahu*, WALL STREET JOURNAL (July 25, 2024)

*The ICJ's Brazen Anti-Israel Bias*, WALL STREET JOURNAL A17 (June 10, 2024)

*The Ugly Lessons of October 7: The bloodier the terror attacks, the more stark the eliminationist rhetoric, the more support for a Palestinian state*, TABLET MAGAZINE (May 22, 2024)

*Already a Travesty, the ICC Eyes Charges Against Israel*, WALL STREET JOURNAL A15 (May 2, 2024)

*Israel Can Place Limits on the Damage the ICJ Can Inflict*, ISRAEL HAYOM pg 5 (Jan. 28, 2024)

*American Helps Make Gaza an Open-Air Prison*, WALL STREET JOURNAL (Jan. 21, 2024)

*Gaza Can't Be Peaceful Without Jews*, WALL STREET JOURNAL A15 (Jan. 3, 2024)

*Don't Give Gaza to the Palestinian Authority*, WALL STREET JOURNAL A17 (Nov. 27, 2023) (with Itamar Marcus)

*War on Israelis: Biden moves to bar those opposing his policies*, NEW YORK POST 27 (Dec. 18, 2023)

*Hand the UN Gaza? Biden's latest truly bad idea*, NEW YORK POST 29 (Nov. 20, 2023)

*Not "Just Hamas,"* CITY JOURNAL (Oct. 31, 202) (with Erielle Davidson)

*Biden's benevolence might strengthen Hamas: U.S. aid finds its way to terrorist organizations*, WASHINGTON TIMES (Nov. 2, 2023) (with Eitan Fischberger)

*Egypt's border closure flouts international law*, THE HILL (Oct. 25, 2023)

*The Siege of Hamas is No War Crime*, WALL STREET JOURNAL A17 (Oct. 17, 2023)

*The Iran-Hamas War*, WALL STREET JOURNAL A17 (Oct. 9, 2023)

*Unesco Writes Jews Out of Ancient Jericho*, WALL STREET JOURNAL A17 (Sept. 29, 2023)

*Nagorno-Karabakh and the Myths of International Law*, WALL STREET JOURNAL A19 (Sept. 22, 2023)

*Israel Settlements are Not Illegal*, TABLET MAGAZINE (Aug. 10, 2023)

*The Biden Administration Redefines Antisemitism*, TABLET MAGAZINE (July 13, 2023)

*Israel's Protests and Democracy*, NEW YORK POST (March 29, 2023) (with Erielle Davidson)

*Netanyahu is right to reform overmighty Supreme Court*, JEWISH CHRONICLE (UK) pg 14-15 (Feb. 3, 2023)

*Israel's Supreme Court Claims a Veto on Political Appointments*, WALL STREET JOURNAL A17 (Jan. 23, 2023)

*Israel's Right Wing Coalition Gets a Cold Shoulder From Biden*, WALL STREET JOURNAL A17 (Nov. 8, 2022)

*Do Laws Against Workplace Harassment Violate Free Speech*, WALL STREET JOURNAL A15 (Aug. 26, 2022)

*Boycotting Israel Isn't Free Speech*, WALL STREET JOURNAL A15 (July 6, 2022)

*Israel, Armenia, and Presbyterians*, WALL STREET JOURNAL A15 (June 17, 2022)

*'Native Land Acknowledgements' Are the Latest Woke Ritual*, WALL STREET JOURNAL A13 (June 11/12, 2022)

*Covid Lockdowns Were a Chinese Import*, WALL STREET JOURNAL A18 (w/ Anastasia Lin) (March 24, 2022)

*Gov. Hochul Will Tell You if You Are 'Essential'*, WALL STREET JOURNAL A18 (Dec. 31, 2021)

*DeBlasio's Vaccine Mandate Looks Unlawful*, WALL STREET JOURNAL A17 (Dec. 8, 2021)

*COVID-19 and the Right to Travel*, WALL STREET JOURNAL A17 (Dec. 3, 2021)

*Blinken Seems Intent on Sparking a Crisis Over Jerusalem*, WALL STREET JOURNAL A17 (Oct 26, 2021)

*Eviction Moratorium is progressive politics dressed up as public health*, FOXNEWS.COM (Aug. 6, 2021)

*Ben & Jerry's Israel Boycott Could Cost Unilever*, WALL STREET JOURNAL A18 (July 21, 2021)

*Almost Nothing You've Heard About Evictions in Jerusalem Is True*, WALL STREET JOURNAL A13 (w/ Avi Bell)(May 15, 2021)

*Fake International Law is the Newest Anti-Israel Libel*, NEWSWEEK (March 24, 2021)

*Trump's impeachment trial sets a troubling precedent*, NEW YORK POST pg. 10 (Feb. 8, 2021)

*A Genocide Test Faces the West*, WALL STREET JOURNAL A17 (Jan. 28, 2021)

*The Constitutional Case Against Retroactive Impeachment*, NEWSWEEK (Jan. 29, 2021)

*The Middle East's Dual 'Occupations'*, WALL STREET JOURNAL A17 (Dec. 18, 2020)

*Trump Was Right to Recognize Moroccan Sovereignty Over Western Sahara*, NEWSWEEK (Dec. 24, 2020)

*After Tragedy in Beirut, End Lebanon's U.N. Farce*, WALL STREET JOURNAL A17 (Aug. 20, 2020)

*Don't Buy the 'Annexation' Hype*, WALL STREET JOURNAL A27 (June 24, 2020)

*Annexation Symposium: Israel Should Act Now*, MOSAIC MAGAZINE (June 23, 2020)

*A Selective Opponent of 'Settlers'*, WALL STREET JOURNAL A17 (Jan. 15, 2020)

*Why President Trump is keeping the promise made at San Remo in 1920*, JERUSALEM POST MAGAZINE 15 (Jan. 3, 2020)

*Pompeo Busts the 'Occupation' Myth*, WALL STREET JOURNAL A19 (Nov. 30, 2019)

*The Many Incoherencies and Hypocrisies of International Law on Jerusalem*, MOSAIC MAGAZINE (July 15, 2019)

*Take the Palestinians' 'No' for an Answer*, WALL STREET JOURNAL A19 (June 24, 2019)

*The Trump Effect Saves U.S. Soldiers From Runaway Prosecutions*, WALL STREET JOURNAL A15 (April 19, 2019)

*For the ACLU, Antipathy to Israel Trumps Antidiscrimination*, WALL STREET JOURNAL A17 (Feb. 12, 2019)

*Airbnb's Israel Hypocrisy*, WALL STREET JOURNAL A17 (Nov. 26, 2018)

*Why All the Outrage Over Israel's Nation-State Law*, MOSAIC MAGAZINE (Oct. 8, 2018) (with Moshe Koppel)

*Get Over It – Israel is the Jewish State*, WALL STREET JOURNAL A17 (July 20, 2018)

*Stop Funding UN Agencies that Welcome the PLO*, NEW YORK POST 25 (July 20, 2018)

*America Recognizes One Jerusalem*, WALL STREET JOURNAL A17 (May 14, 2018)

*Anti-Israel Activists Subvert a Scholarly Group*, WALL STREET JOURNAL A17 (with Jesse Fried) Dec. 4, 2017)

*Russia Recognizes Jerusalem as Israel's Capital. Why Can't the U.S.?,* WALL STREET JOURNAL (May 14, 2017)

*The states, the feds and climate change,* NEW YORK DAILY NEWS (June 3, 2017)

*Did George Washington Take 'Emoluments'?,* THE WALL STREET JOURNAL A13 (April 14, 2017)

*At the U.N., Only Israel Is an 'Occupying Power',* THE WALL STREET JOURNAL A15 (with Penny Grunseid) (Sept. 14, 2016)

*Boycotting Israel Isn't Free Speech,* NEW YORK DAILY NEWS (June 11, 2016)

*Those Israel Boycotts Are Illegal,* THE WALL STREET JOURNAL (with Steve Davidoff Solomon) (Dec. 2, 2015)

*Europe Mislabels Israel,* NEW YORK TIMES A35 (Nov. 13, 2015)

*Can States Fund BDS?: Is banning the use of public money to support companies that boycott Israel unconstitutional and illegal?,* TABLET MAGAZINE (July 13, 2015)

*A Tale of Two Green Lines,* CHRONICLE OF HIGHER EDUCATION (Nov. 17, 2014)

*Sweden's Unprincipled Stance on Recognition,* JERUSALEM POST (Oct. 12, 2014) [also appeared in Swedish version, in DAGEN]

*A Court's Collapse: The International Criminal Court gives up on its prosecution of Kenyan president Uhuru Kenyatta,* NATIONAL REVIEW ONLINE (Sept. 15, 2014)

*Crimea, International Law, and the West Bank,* COMMENTARY 25-29 (June 2014)

*The Other Crimeas: Seizing territory isn't out of date, it's just conveniently ignored,* LOS ANGELES TIMES A13 (March 24, 2014)

*Legal 'standing': Obama's executive branch escape hatch,* LOS ANGELES TIMES A24 (March 2, 2014)

*Putin's Occupation Olympics,* REUTERS NEWS SERVICE (Feb. 5, 2014)

*The Case Against Early Voting,* POLITICO MAGAZINE (with John McGinnis) (Jan. 29, 2014)

*New EU/Morocco fisheries deal and its implications for Israel,* JERUSALEM POST 16 (Dec. 10, 2013)

*The Obamacare 'Fix' Is Illegal,* POLITICO MAGAZINE (with John McGinnis) (Jan. 29, 2014)

*The EU is right about Western Sahara – which means it is wrong about Israel,* GLOBAL POST (Nov. 21, 2013)

*Africa's Undermining of the International Criminal Court*, GEORGETOWN JOURNAL OF INTERNATIONAL AFFAIRS ONLINE (Oct. 29, 2013)

*How the EU Directly Funds Settlements in Occupied Territory*, JERUSALEM POST 13 (Sept. 29, 2013)

*A Supreme Rebuke to Global Forum-Shopping*, THE WALL STREET JOURNAL A21 (April 23, 2013)

*UN vote: From 'occupation' to border dispute*, JERUSALEM POST (Dec. 10, 2012)

*Precedents, Pirates, and the Presumption Against Extraterritoriality* (Symposium on *Kiobel v. Shell*), SCOTUSBLOG (July 10, 2012)

*Prisoner trades and the case for Gitmo*, LAWFARE: HARD NATIONAL SECURITY CHOICES (May 23, 2012)

*Does the new anti-boycott law harm free speech?*, JERUSALEM POST 15 (April 12, 2011)

*Is Gaza Still Occupied?*, JERUSALEM POST (with Paula Kweskin) (July 17, 2011)

*The New Arab Tactic against Israel*, NATIONAL REVIEW ONLINE (May 18, 2011)

*'Impending diplomatic tsunami' is greatly exaggerated*, JERUSALEM POST (April 12, 2011)

*A Shining Target on a Hill That Nobody Tries to Hit*, WALL STREET JOURNAL W9 (April 15, 2010) [discussing compatibility of National Cathedral with First Amendment's Establishment Clause]

*Why the Piracy Police Isn't Working*, OPINIO JURIS (Feb. 10, 2009)

*A Second Look at Kosovo*, NEW YORK SUN (March 19, 2008)

*Bitter Irony*, NEW YORK SUN (Feb. 13, 2008)

*A Man of His Word*, review of THE GREAT SPEECHES OF ABBA EBAN, WORLD JEWISH DIGEST (Oct. 2007)

*Naked Aggression: Sheba Farms and the Law*, NEW YORK SUN 9 (Aug. 27, 2006).

*Religious Radicals*, WALL STREET JOURNAL W13 (July 22, 2005)

*Reform strategy for Saudi Arabia*, WASHINGTON TIMES B3 (August 1, 2004)

*Severe and prolonged harm: Defining torture in international and U.S. law*, WASHINGTON TIMES A21 (June 25, 2004).

*Is this a good time to ask for Pollard's release*, JERUSALEM POST B11 (Aug. 1, 2003).

*Riyadh's WTO Outrage*, NEW YORK POST 31 (December 26, 2002)

*The ICC – Open and Shut*, JERUSALEM POST B8 (May 10, 2002).

*A Dubious Warning*, NEW YORK POST 27 (January 3, 2002).

### **Reviews, white papers, etc.**

*Losing Their Religion*, Washington Free Beacon (Jan. 12, 2025) (review of *IF YOU WILL IT: REBUILDING JEWISH PEOPLEHOOD FOR THE 21ST CENTURY*, by Elliott Abrams)

*International Law for Just One Nation*, TEL AVIV REVIEW OF BOOKS (Autumn 2020) (review of international law books by Y. Dinstein and others)

*Refugees and Return in Prolonged Occupations*, 51 ISRAEL LAW REVIEW 63-70 (2018) (conference proceedings)

*Palestinian Membership in UN Agencies: Mandatory Defunding Under U.S. Law*, Kohelet Policy Forum Paper #39 (July 2018)

Avi Bell & Eugene Kontorovich, *Challenging the EU's Illegal Restrictions on Israeli Products in the World Trade Organization* Kohelet Forum Policy Paper #18 (Oct. 2015)

*When Fasces Aren't Fascist: The Strange History of America's Federal Buildings*, CITY JOURNAL 114-119 (Spring 2014)

*EU's Grant Guidelines: A Legal and Policy Analysis*, Kohelet Policy Forum Research Paper (with Avi Bell) (Oct. 2013)

Review of economic and philological books on piracy, 41 JOURNAL OF INTERDISCIPLINARY HISTORY 624-27 (2011)

*Equipment Articles for the Prosecution of Maritime Piracy*, discussion paper for the One Earth Future Foundation (May 2010) [cited by Seychelles Supreme Court]

Introductory Note, *Exchange of Letters Between European Union and Kenya to Prosecute Pirates*, 48 INTERNATIONAL LEGAL MATERIALS 747-750 (2009)

*International Legal Responses to Piracy off the Coast of Somalia*, ASIL INSIGHTS, vol. 13, no. 2 (Feb. 6, 2009)

*International Responses to Territorial Conquest*, 102 AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS 437-40 (2009)

*Prosecute worldwide pirates*, NATIONAL LAW JOURNAL 17 (May 11, 2009)

*The Law of the Latke*, GREEN BAG 2D 205-207 (2006)

*War Powers*, POLICY REVIEW 77 (April 2006) (review of JOHN YOO, THE POWERS OF WAR AND PEACE)

*A to Zzz*, LEGAL AFFAIRS pp. 18-19 (July/August 2003) (with David Lisitza) (critical essay on the lost charms of *Black's Law Dictionary*)

## **ADDITIONAL ACTIVITES**

- Contributor, *Volokh Conspiracy* blog, hosted by Reason Magazine
- Referee for peer reviews: Yale University Press; Oxford University Press (3); Cambridge University Press; *Journal of Leg. Studies*; *Journal of Law, Econ., & Org.*; *Rev. of Law and Econ.*; *Sup. Ct. Econ. Rev.*; *Int'l Rev. Law & Econ.*; Alexander von Humboldt-Stiftung; Am. Law & Econ. Assoc. Ann'l Mtg; *J. of Int'l Criminal Justice*, Leiden J. of Int'l Law; *Melbourne Journal of Int'l Law*; *Journal of Nat'l Security Law & Policy*; *Israel Law Review*; *Oxford Bibliographies Online*; *Journal of Int'l Law & Int'l Relations*; *Maritime Safety & Sec. L. J.*; *Israel Law Review*; *Business & Human Rights Journal*; also for *Harvard L. Rev.* and *Stanford Law Rev.*
- Frequent commentator in popular media, such as *New York Times*, *Wall Street Journal*, *Los Angeles Times*, *Slate*, NPR News and other programs, CNN, ABC News, NBC News, Fox News, Associated Press, Reuters, *New Yorker*, *Slate*, *ABA Journal*, etc.
- Member of Jewish National Fund, Federalist Society, Hamilton Society & other speakers bureaus
- Visiting Professor: Tel Aviv University Faculty of Law, Nov. - Dec. 2004; Bar Ilan University Faculty of Law, June 2012.
- Conference Organizer (w/ Samuel Estreicher), *International Law and the Israeli-Arab Dispute*, Northwestern University School of Law, May 17, 2010
- Academic Review Committee, Human Studies Fellowship (2011) (grant referee)
- Visiting Scholar, Princeton University Program in Law and Public Affairs, 2011-12

## **LITIGATION, TESIMONY and ADVISORY ROLES**

- *Zivotofsky v. Kerry*, Supreme Court Amicus Curiae Brief for Louis Brandeis Center for Human Rights Under the Law and Professors of Constitutional and Foreign Relations Law (2014) (with Alan Gura)
- External Consultant, U.S. Department of Defense (2013)
- Consultant for defense attorneys in criminal cases raising constitutional and international law issues in United States Supreme Court and other federal courts. Co-wrote merits sections of briefs for respondent in *Illinois v. Caballes*, 543 U.S. 405 (2005)

## **SELECTED ACADEMIC PRESENTATIONS**

Korean National Diplomatic Academy, Seminar on International Humanitarian Law (Feb. 4<sup>th</sup>, 2024)

University of Buenos Aires, Dept. of Social Sciences (Nov. 1, 2023)

American Society for International Law Research Forum\* (2019, 2017, 2015)

American Law & Economics Association Annual Meeting\*: (2014, 2010, 2007, 2006)

University of Chicago Law School, Symposium: Law for the Next Pandemic, Nov. 2020

ASIL International Economic Law Interest Group Biennial Meeting, Miami, Feb. 2020

European Society of International Law Annual Research Symposium,\* Athens, Sept. 2020; Tallin, Estonia, May 2011\*; 2<sup>nd</sup> Biennial Meeting, Paris, May 2006\*

University of Buenos Aires, School of Social Science, International Law and the Gaza Conflict (Nov. 1, 2023)

Asser Institute, The Hague, Workshop on International Legality of Business in Occupied Territories (Oct. 17, 2018)

University of Vienna, Conference: "An End to Anti-Semitism," Feb. 2018

San Diego State University, Jewish Studies Program, April 2015, 2017

The Peace Palace (The Hague), University of Leiden Grotius Center for International Legal Studies conference on "Jus Post Bellum", Sept. 29, 2016

Syracuse University, Institute for National Security and Counterterrorism, Carol Becker Speaker Series, March 2016

Cleveland-Marshall College of Law, Faculty Workshop, Jan. 2016

Tel Aviv University Faculty of Law: Faculty Workshop, May 2015

Bar Ilan University, Dept. of Political Science (Sept. 2014 & May 2015)

Interdisciplinary Center (Herzilya), Lauder School of Government, Diplomacy, and Strategy: Graduate Seminar (May 2015)

Hebrew University Faculty of Law: Public Law and International Law Workshops (May/June 2014; June 2015)

Haifa University Law: Faculty Workshop (May 2014)

Ramat Gan College of Law: Faculty Workshop (May 2014)

DePaul University College of Law: Conference on *People of the Book: Judaism and Constitutional Law* (April 2104)

2014 AALS Annual Meeting: Symposium on Extraterritoriality, Conflict of Laws Interest Group Panel

University of Amsterdam (SHARES Project): The Distribution of Responsibilities in International Law Seminar (May 2013)

Loyola University Law School: International Law Colloquium (Feb. 2013)

Conference on Empirical Legal Studies, Stanford University\*, Nov. 9, 2012

DePaul University College of Law Center for Jewish Law & Judaic Studies (Dec. 2012)

Assoc. for the Study of the Middle East and Africa, 5<sup>th</sup> Annual Conference, Wash., D.C., Oct. 12, 2012

Princeton University, Program in Law and Public Affairs, March 12, 2012

Institute for Advanced Study, School of Social Science Seminar, Jan. 26, 2012

Stanford Law School, "International Bodies and Sovereignty" panel, Conference on the Constitution and the World Conference, Oct. 28<sup>th</sup> 2011

Harvard Law School, National Security Law Conference, Sept. 16-17<sup>th</sup>, 2011

Special Address at SMi's 2<sup>nd</sup> Annual Maritime Domain Awareness Conf., London, UK, June 20-21, 2011

Israeli Defense Forces Military Advocate General, Dept' of Int'l Law, June 16, 2011

University of Chicago Conference on Global Law, May 6, 2011

Yale Journal of International Law Conference: Non-State Actors and International Law, Feb. 2011

University of San Diego Faculty Workshop, Dec. 1, 2010

University of Texas Law School Faculty Workshop, Oct. 14, 2010

Yale University, Law, Economics, and Organization Workshop, March 11, 2010

University of California, Berkeley, Law of the Sea Institute/California Law Review Seminar on Piracy, April 22, 2010

Israel Law and Economics Association Annual Meeting, Haifa 2010

Midwestern Law and Economics Association Annual Meeting: 2008; 2007; 2005

Midwest Political Science Association Annual Meeting 2013, 010;, 2004

Searle Center, Northwestern University, Public Policy Roundtable: The Alien Tort Statute and U.S. Enforcement of Foreign Judgments, April 29, 2010

American Association of Law Schools Annual Meeting, Jan. 2010 [paper one of four selected in refereed call for papers on national security and international law]\*

American Society of International Law, Annual Workshop on International Law in Domestic Courts\*: Dec. 2009 - UC Hasting; Dec. 2007 – Texas/Austin [one of five papers selected out of dozens for presentation]

Harvard University, Kennedy School of Government, Expert Panel on Maritime Piracy, Dec. 2009†

American Society of International Law, Seminar on Maritime Piracy [internet broadcast], Dec. 1, 2009†

Georgetown Law School Foreign Relations Colloquium, Oct. 2009

American Society for International Law--Academic Council on the United Nations System, Expert Panel on Suppressing Maritime Piracy, October 2009†

Harvard University Law School Foreign Relations Workshop, Oct. 2009

National Security Junior Scholars Workshop, University of Texas, March 10, 2009\*

American Society of International Law Annual Meeting\*, 2008 - paper was selected in competition for young scholars; 2005 [paper was one of four selected from 55 submissions]

International Law and Economics Conference, Max Planck Institute for Research on Collective Goods (Bonn, Germany – Dec. 16, 2006)

University of Illinois Faculty Workshop, Oct.11, 2010; 2004

Southeastern Association of Law Schools Annual Meeting: Young Scholars Workshop,\* 2004; 2006: paper distinguished as one of four selected in a conference-wide Call for Papers

\* = *paper selected in competitive call-for papers*

† = *panelist, no paper presented*

**Student groups:** I have spoken at the invitation of student groups at colleges and law schools and colleges Harvard, Yale, Brown University Columbia University, NYU, University of Michigan, Johns Hopkins, University of Chicago, University of Pennsylvania, Duke, UNC,

Georgetown, Berkeley (Boalt Hall), Boston University, Washington University, Vanderbilt University, University of Kansas, University of Missouri, University of Miami, University of Florida, Case Western Reserve, Tulane, and many others.