

## Mr. Shai Dothan

iCourts – Karen Blixens Plads 16  
Room 6B-4-33  
2300, Copenhagen S, Denmark  
Email - shai.dothan@jur.ku.dk  
Office Phone: +4535334893

### Education

- **Tel Aviv University Faculty of Law**, PhD (2011).  
Dissertation - "Reputation and Judicial Strategy– Tactics of National and International Courts"  
Supervisor – Prof. Eyal Benvenisti
- **Tel Aviv University Faculty of Law**, LLM with Thesis (summa cum laude) (2003).  
Thesis - "Elasticizing the Remedy of Voidness Due to Flawed Administrative Action  
– Relative Voidness" (Hebrew) Supervisor – Prof. Baruch Bracha
- **Tel Aviv University Faculty of Law**, LLB (magna cum laude) (2001).

### Academic Positions

- Associate Professor of International and Public Law (tenured), **University of Copenhagen Faculty of Law affiliated with iCourts—Centre of Excellence for International Courts** (2014-present).
- Fellow, **Max Planck Institute for Comparative Public Law and International Law** (Summer 2014).
- Senior Researcher, **Tel Aviv University Faculty of Law** at the Global Trust Research Project Directed by Prof. Eyal Benvenisti and Funded by an ERC Advanced Grant (2013-2014).
- Adjunct Professor, **Hebrew University of Jerusalem Faculty of Law Seminar - International Courts** (in English) and **International Law Forum** (in English) (2012-2014).
- Post-Doctoral Fellow, **Hebrew University of Jerusalem Faculty of Law** at the Research Group on Effective International Adjudication directed by Prof. Yuval Shany and funded by a European Research Council Starting Grant for Frontier Research (2011-2013).
- Post-Doctoral Fellow, **University of Chicago Law School** funded by the Rothschild Fellowship (2010-2011).
- Fox Fellow, **Yale University** (Spring 2009).
- Teaching Assistant, **Tel Aviv University Faculty of Law** in the course "Constitutional Law: Theories and Contemporary Challenges" Prof. Eyal Benvenisti (2007).
- Teaching Assistant, **Tel Aviv University Faculty of Law** in the course "Constitutional Law" Prof. Baruch Bracha (gave a weekly lecture) (2006).
- Teaching Assistant, **Tel Aviv University Faculty of Law** "Detention Law" (2006).
- Research Assistant, Prof. Baruch Bracha, **Tel Aviv University Faculty of Law** (2002-2003).
- Teaching Assistant, **Tel Aviv University Faculty of Law** "Military Law" (2001).

### Publications

#### Monographs:

1. INTERNATIONAL JUDICIAL REVIEW: WHEN SHOULD INTERNATIONAL COURTS INTERVENE?  
*forthcoming* Cambridge University Press (2020).
2. REPUTATION AND JUDICIAL TACTICS: A THEORY OF NATIONAL AND INTERNATIONAL COURTS, Cambridge University Press (2015) (paperback 2016).

### Articles:

1. *A Paradigm Shift?: Arbitration and Court-Like Mechanisms in Investors' Disputes*, forthcoming EUR. YB. INT'L ECONOMIC L. (2020) (with Joanna Jemielniak).
2. *Reputation and Strategy in the Israeli Supreme Court on the Brink of the 21<sup>st</sup> Century*, forthcoming 23 IDC LAW REVIEW (2019) (Hebrew).
3. *The Three Traditional Approaches to Treaty Interpretation: A Current Application to the European Court of Human Rights*, 42 FORDHAM INT'L L. J. 765 (2019).
4. *The Motivations of Individual Judges and How They Act as a Group*, 19 GERMAN LAW JOURNAL 2165 (2018).
5. *When Immediate Responses Fail*, 51 VAND. J. TRANSNAT'L L. 1075 (2018).
6. *The Advantage of International Courts*, 31 BAR ILAN UNIVERSITY LAW REVIEW 675 (2018) (Hebrew).
7. *International Courts Improve Public Deliberation*, 39 MICH. J. INT'L L. 217 (2018).
8. *Margin of Appreciation and Democracy: Human Rights and Deference to Political Bodies*, 9 J. INT'L DISPUTE SETTLEMENT 145 (2018). (Introduction to the Symposium Issue)
9. *Judicial Deference Allows European Consensus to Emerge*, 18 CHI. J. INT'L L. 392 (2018).
10. *A Virtual Wall of Shame: The New Way of Imposing Reputational Sanctions on Defiant States*, 27 DUKE J. COMP. & INT'L L. 141 (2017).
11. *Luring NGOs to International Courts: A Comment on CLR v. Romania*, 75 HEIDELBERG J. INT'L L. 635 (2015).
12. *Deterring War Crimes*, 40 N. C. J. INT'L L. & COM. REG. 739 (2015).
13. *The Optimal Use of Comparative Law*, 43 DENV. J. INT'L L. & POL'Y. 21 (2014).
14. *In Defence of Expansive Interpretation in the European Court of Human Rights*, 3 CAMBRIDGE J. INT'L & COMP. L. 508 (2014).
15. *How International Courts Enhance their Legitimacy*, 14 THEO. INQ. L. 455 (2013).
16. *Judicial Tactics in the European Court of Human Rights*, 12 CHI. J. INT'L L. 115 (2011). (Ukrainian translation in EUROPEAN L. J. 1-2/2013, 58)
17. *Conviction without a Criminal Record as a Result of the "Abuse of Process" Defense*, 18 IDF L. REV. 185 (2005) (Hebrew).

### Book Chapters:

1. *Kvantitative Metoder i Juridisk Forskning in RET PÅ TVÆRS: METODISKE VINKLER PÅ JURAEN*, Jurist- og Økonomforbundets Forlag, forthcoming (2020) (Danish).
2. *Ex Aequo Et Bono: The Uses of the Road Never Taken*, in RESEARCH HANDBOOK ON THE INTERNATIONAL COURT OF JUSTICE (Achilles Skordas (ed.), Elgar Publishing, forthcoming (2019).
3. *Social Networks and the Enforcement of International Law*, in EDWARD ELGAR RESEARCH HANDBOOK ON THE SOCIOLOGY OF INTERNATIONAL LAW 333 (Moshe Hirsch & Andrew Lang eds., 2018).
4. *Comparative Views on the Right to Vote in International Law: The Case of Prisoners' Disenfranchisement*, in COMPARATIVE INTERNATIONAL LAW 379 (Anthea Roberts et al. eds., Oxford University Press, 2018).
5. *Three Interpretive Constraints on the European Court of Human Rights*, in THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS: CONTESTATIONS AND DEFERENCE 227 (Machiko Kanetake & André Nollkaemper eds., Hart Publishing, 2016).

### Book Review:

1. *Who Gains from the Fragmentation of International Law and Who Can Fight Against It?* Book Review: EYAL BENVENISTI & GEORGE W. DOWNS, BETWEEN FRAGMENTATION AND DEMOCRACY: THE ROLE OF NATIONAL AND INTERNATIONAL COURTS (Cambridge University Press, 2017), L. & Government in Israel forthcoming (2019) (Hebrew).

**Other:**

1. *International Adjudication as Governance*, forthcoming in MAX PLANCK ENCYCLOPEDIA OF INTERNATIONAL PROCEDURAL LAW (2019).
2. *The Default should be Suspicion Towards the Government*, 11 HAMISHPAT ONLINE: HUMAN RIGHTS (2013) (Hebrew).
3. *Summary of the Judgment Bare v. Small*, 11 HAMISHPAT ONLINE: HUMAN RIGHTS (2013) (Hebrew).

**Editing:**

1. *Who is Afraid of the International Criminal Court? Special Issue on Deterrence in International Criminal Justice*, forthcoming J. INT'L CRIM. JUS. (Guest Editor of a Symposium Special Issue with Astrid Kjeldgaard-Pedersen and Jakob v. H. Holtermann)
2. *Permanent Investment Courts: The European Experiment*, forthcoming EUR. YB. INT'L ECONOMIC L. (Guest Editor of a Symposium Special Issue with Joanna Jemielniak and Güneş Ünüvar) (2020).
3. *Margin of Appreciation and Democracy: Human Rights and Deference to Political Bodies*, 9 J. INT'L DISPUTE SETTLEMENT (2018). (Guest Editor of a Symposium Special Issue)
4. *The Laws of War on the Battlefield* (2<sup>nd</sup> edition) published by the IDF MAG Corps, Military Law School, International Law Section - edited with Maj. Hila Adler, Commander, Capt. Shai Sharvit & Lt. David Shoresh (2006) (Hebrew).
5. Editor of the International Law Forum Research Papers Series – Hebrew University of Jerusalem (2012-2014).
6. Member of the editorial board, Volume 18 IDF L. REV. (2005) (Hebrew)

**Grants**

1. Carlsberg Foundation Conference Grant (for the conference Who is Afraid of the International Criminal Court? Interdisciplinary Conference on Deterrence in International Criminal Justice (organized with Astrid Kjeldgaard-Pedersen and Jakob v. H. Holtermann)) (26,800 DKK) (2019).
2. Carlsberg Foundation Conference Grant (for the conference Investment Courts: Challenges and Perspectives (organized with Joanna Jemielniak and Güneş Ünüvar)) (57,000 DKK) (2018).
3. Principal Grant Holder – Granted awarded by The Danish Agency for Science, Technology and Innovation - Denmark-Brazil Network on Regional and Constitutional Structures in Tension (RCST) (287,304 DKK) (2017)

**Conferences Organized**

1. Who is Afraid of the International Criminal Court? Interdisciplinary Conference on Deterrence in International Criminal Justice (organized with Astrid Kjeldgaard-Pedersen and Jakob v. H. Holtermann (24-25 January 2019).
2. Investment Courts: Challenges and Perspectives (organized with Joanna Jemielniak and Güneş Ünüvar) (1-2 February 2018).
3. Margin of Appreciation and Democracy: Human Rights and Deference to Political Bodies (13 April 2016).

**Teaching at the University of Copenhagen Faculty of Law**

International Organizations (MA)  
International Law (BA)  
International Sales Law (MA)  
Law and Economics (BA)  
Legal English (BA + MA)

## **Supervision at the University of Copenhagen Faculty of Law**

### **PhD Students:**

#### Current:

1. Dmitry Kurnosov (submitted the dissertation in October 2019)

#### Completed:

1. Caroline de Lima e Silva (Dual Degree with the Northwestern University Political Science Department)

### **Chairperson of PhD Committees:**

#### Completed:

1. Salvatore Caserta
2. Güneş Ünüvar
3. Amalie Giødesen Thystrup

### **MA Students:**

#### Current:

1. Suvi Sirkitta Svendsen

#### Completed:

1. Patrick Rune Shanahan Henry
2. Martin Lolle Christensen
3. Karen Diarra Overby
4. Lauren Victoria Priest Pflueger
5. David Steen Skovsted
6. David Tejs Jørring
7. Nadia Elizabeth Stacey/Michael Plaxton
8. Christoffer Borreby-Riber
9. Vibe Jensen Aas
10. Kasper Heldt Kaysø
11. Yeliz-Hazal Atan
12. Katherine Soriano
13. Lars Lange
14. Muriq Liridona
15. Gitte Damkjær Andersen

### **BA Students:**

#### Completed:

1. Anahita Masoumi
2. Maria Beyer Møller
3. Kim Winther Starup
4. Rokaja Al-Saeek
5. Gabriela Paz Corvalán-Rasmussen/Niels Damgaard
6. Sarah Al-Tai
7. Emma Marie Wells
8. Rasmus Viktor Refsing Nielsen
9. Mie Kristensen

### **Internship Reports:**

#### Completed:

1. Markus Gammelgaard Klokhøj
2. Line Liv Lütken
3. Nicolai Ho Ly
4. Thomas Haugsted
5. Katrine Tangbjerg
6. Mathias Kallesøe Christiansen
7. Jens Kjærgaard
8. Suvi Sirkitta Svendsen
9. Emma Marie Wells

## Presentations

1. **Hebrew University of Jerusalem International Law Forum**, International Judicial Review: When Should International Courts Intervene? (November 2019).
2. **The Power of International Courts: Conference Organized by iCourts**, International Courts Help Diffuse Interests: Examples from Internet Regulation (May 2019).
3. **Who is Afraid of the International Criminal Court? Interdisciplinary Conference on Deterrence in International Criminal Justice: Conference Organized by iCourts**, The ICC is NOT a Slice of Cheese (January 2019).
4. **Israeli Law and Economics Association 2018 Annual Meeting**, When Immediate Responses Fail (December 2018).
5. **European Association of Law and Economics 2018 Annual Meeting (Milan)**, International Courts Improve Public Deliberation (September 2018).
6. **PluriCourts Lunch Seminar at the University of Oslo**, International Courts Improve Public Deliberation (June 2018).
7. **Mini-Conference on the Behavior of Courts: Organized by the Law Department at Copenhagen Business School**, Judicial Deference Allows European Consensus to Emerge (February 2018).
8. **Workshop on the ICJ Research Handbook: Organized by iCourts** Judgments Ex Aequo Et Bono: The Road Never Taken (February 2018).
9. **Investment Courts: Challenges and Perspectives: Conference Organized by iCourts** A Paradigm Shift? Arbitration and Court-Like Mechanisms in Investors' Disputes (with Joanna Jemielniak) (February 2018).
10. **Sovereigns as Trustees of Humanity: Stocktaking: Conference Organized by the Lauterpacht Centre for International Law Cambridge University**, A Virtual Wall of Shame: The New Way of Imposing Reputational Sanctions on Defiant States (January 2018).
11. **Dublin City University Socio-Legal Center Workshop**, International Courts Improve Public Deliberation (September 2017).
12. **German Law and Economics Association 2017 Annual Meeting** Granting States a Margin of Appreciation Helps to Form a Genuine European Consensus (July 2017).
13. **ICON-S 2017 Conference (Copenhagen)** A Paradigm Shift? Arbitration and Court-Like Mechanisms in Investors' Disputes (with Joanna Jemielniak) (July 2017).
14. **ICON-S 2017 Conference (Copenhagen)** International Courts Improve Public Deliberation (July 2017).
15. **Italian Society of Law and Economics Annual Conference**, A Virtual Wall of Shame: The New Way of Imposing Reputational Sanctions on Defiant States (December 2016).
16. **First Conference on Empirical Legal Studies in Europe (Amsterdam)**, A Virtual Wall of Shame: The New Way of Imposing Reputational Sanctions on Defiant States (June 2016).
17. **ICON-S 2016 Conference (Berlin)**, A Virtual Wall of Shame: The New Way of Imposing Reputational Sanctions on Defiant States (June 2016).
18. **Margin of Appreciation and Democracy: Human Rights and Deference to Political Bodies: Conference Organized by iCourts**, Loyalty to the Text and the Principle of State Consent (April 2016).
19. **Trust, Social Capital and Networks: A Different Perspective on International Courts: Conference Organized by iCourts**, A Virtual Wall of Shame: The New Way of Imposing Reputational Sanctions on Defiant States (March 2016).
20. **The Practice of Interpretation of European Courts: Conference Organized by iCourts**, A Virtual Wall of Shame: The New Way of Imposing Reputational Sanctions on Defiant States (February 2016).
21. **European Association of Law and Economics 2015 Annual Meeting (Vienna)**, Non-Legal Sanctions in International Law (September 2015).
22. **German Law and Economics Association 2015 Annual Meeting**, Non-Legal Sanctions in International Law (July 2015).

23. **Spanish Association of Law and Economics 2015 Annual Meeting**, Non-Legal Sanctions in International Law (June 2015).
24. **ICON-S Israel Founding Conference**, Why Granting States a Margin of Appreciation Supports the Formation of a Genuine European Consensus (May 2015).
25. **MultiRights Seminar at the University of Oslo**, Why Granting States a Margin of Appreciation Supports the Formation of a Genuine European Consensus (May 2015).
26. **CEVIA Lunch Seminar at the University of Copenhagen Faculty of Law**, The Optimal Use of Comparative Law (March 2015).
27. **iCourts Lunch Seminar at the University of Copenhagen Faculty of Law**, The Optimal Use of Comparative Law (February 2015).
28. **COLMAN Takkanah Seminar**, The Optimal Use of Comparative Law (November 2014).
29. **Northwestern University Legal Scholarship Workshop**, Non-Legal Sanctions in International Law (October 2014).
30. **University of Chicago Legal Scholarship Workshop** Non-Legal Sanctions in International Law (October 2014).
31. **Midwestern Law and Economics Association 2014 Annual Meeting**, Non-Legal Sanctions in International Law (October 2014).
32. **Sokol Colloquium at the University of Virginia School of Law**, Comparative Views on the Right to Vote in International Law: The Case of Prisoners' Disenfranchisement (September 2014).
33. **Max Planck Institute for Comparative Public Law and International Law Seminar**, Non-Legal Sanctions in International law (September 2014).
34. **German Law and Economics Association 2014 Annual Meeting**, The Optimal Use of Comparative Law (July 2014).
35. **Hebrew University of Jerusalem International Law Forum**, Why Granting States a Margin of Appreciation Supports the Formation of a Genuine European Consensus (April 2014).
36. **Interdisciplinary Center Herzliya Law School Faculty Seminar**, Why Granting States a Margin of Appreciation Supports the Formation of a Genuine European Consensus (April 2014).
37. **A Future for the Margin of Appreciation in International Law?: Conference Organized by PluriCourts**, Why Granting States a Margin of Appreciation Supports the Formation of a Genuine European Consensus (February 2014).
38. **The Obligations of States to Foreign Stakeholders Seminar at Tel Aviv University**, What Emerges from Emerging Consensus (November 2013).
39. **University of Chicago Legal Scholarship Workshop**, Expansive Interpretation in the ECHR and its Benefits (October 2013).
40. **Northwestern University Legal Scholarship Workshop**, Expansive Interpretation in the ECHR and its Benefits (October 2013).
41. **Midwestern Law and Economics Association 2013 Annual Meeting**, What Emerges from Emerging Consensus (October 2013).
42. **Canadian Law and Economics Association 2013 Annual Meeting**, Luring NGOs to International Courts (September 2013).
43. **Canadian Law and Economics Association 2013 Annual Meeting**, What Emerges from Emerging Consensus (September 2013).
44. **European Association of Law and Economics 2013 Annual Meeting (Warsaw)**, Luring NGOs to International Courts (September 2013).
45. **European Association of Law and Economics 2013 Annual Meeting (Warsaw)**, What Emerges from Emerging Consensus (September 2013).
46. **University of Cambridge Symposium on Interpretation in International Law**, Expansive Interpretation in the ECHR and its Benefits (August 2013).
47. **Law and Society Association 2013 Annual Meeting (Boston)**, When Does Complementarity Improve Deterrence? (June 2013).

48. **Amsterdam Center for International Law (ACIL) Conference on Interfaces between International and National Legal Orders: An International Rule of Law Perspective**, What Emerges from Emerging Consensus (March 2013).
49. **Israeli Law and Economics Association 2012 Annual Meeting**, When Does Complementarity Improve Deterrence? (December 2012).
50. **University of Chicago Legal Scholarship Workshop**, When Does Complementarity Improve Deterrence? (October 2012).
51. **Northwestern University Legal Scholarship Workshop**, When Does Complementarity Improve Deterrence? (October 2012).
52. **Midwestern Law and Economics Association 2012 Annual Meeting**, When Does Complementarity Improve Deterrence? (October 2012).
53. **European Association of Law and Economics 2012 Annual Meeting (Stockholm)**, When Does Complementarity Improve Deterrence? (September 2012).
54. **Canadian Law and Economics Association 2012 Annual Meeting**, When Does Complementarity Improve Deterrence? (September 2012).
55. **Tel Aviv University Faculty of Law Conference on The Exercise of Public Authority by International Institutions**, When Does Complementarity Improve Deterrence? (June 2012).
56. **The Rothschild Fellowship Colloquium**, When Does Complementarity Improve Deterrence? (April 2012).
57. **Second Annual Workshop on International and Comparative Law at Washington University School of Law**, When Does Complementarity Improve Deterrence? (March 2012).
58. **Bar Ilan University Law School Faculty Seminar**, When Does Complementarity Improve Deterrence? (December 2011).
59. **Hebrew University Law School Junior Scholars Seminar**, When Does Complementarity Improve Deterrence? (November 2011).
60. **European Association of Law and Economics 2011 Annual Meeting (Hamburg)**, Judicial Tactics in National Courts: a Case Study of the Israeli Supreme Court (September 2011).
61. **Tel Aviv University Law School Faculty Seminar**, Judicial Tactics in the European Court of Human Rights (February 2011).
62. **Haifa University Law School Faculty Seminar**, Judicial Tactics in the European Court of Human Rights (February 2011).
63. **Hebrew University Law School Public Law Seminar**, Judicial Tactics in the European Court of Human Rights (December 2010).
64. **Bar Ilan University Law School Faculty Seminar**, Judicial Tactics in the European Court of Human Rights (December 2010).
65. **University of Chicago Legal Scholarship Workshop**, Judicial Tactics in the European Court of Human Rights (October 2010).
66. **European Association of Law and Economics 2010 Annual Meeting (Paris)**, Judicial Tactics in the European Court of Human Rights (September 2010).
67. **Siena/Tel Aviv/Toronto Workshop in Law & Economics (2010)**, Judicial Tactics in the European Court of Human Rights (June 2010).
68. **Tel Aviv University Law School PhD Colloquium**, Judicial Tactics in the European Court of Human Rights (March 2010).
69. **Annual Conference of the Israeli Supreme Court Clerks**, Judicial Tactics in the Israeli Supreme Court (June 2009).
70. **Tel Aviv University Law School PhD Colloquium**, The Reputation and Strategy of International Courts (May 2008).
71. **Tel Aviv University Law and Economics/IO Workshop**, The Reputation and Strategy of International Courts (May 2008).

72. **Yale Law School Aspiring Scholars Symposium**, The Reputation and Strategy of International Courts (April 2009).
73. **Fox Fellows Seminar at Yale University**, The Reputation and Strategy of International Courts (May 2009).

**Peer Reviewer:** Chinese Journal of Comparative Law, Civil Wars, German Yearbook of International Law, Inter Gentes: The McGill Journal of International Law & Legal Pluralism, International Review of Law and Economics, Israel Law Review, Journal of International Dispute Settlement, Law & Social Inquiry, Law & Society Review, Leiden Journal of International Law, Mechkarei Mishpat—Bar Ilan University Law Review, Nordic Journal of International Law, Polish Yearbook of International Law, Retfærd—Nordic Journal of Law and Justice

#### **Additional Training**

- Work Market Oriented Danish Course Modules 1-5 (September 2016)
- Conducting Empirical Legal Scholarship Workshop at Washington University School of Law (June 2015).
- PhD Supervision Course Organized by the Faculty of Social Sciences and the Faculty of Law University of Copenhagen (June 2015)

#### **Work Experience**

- **IDF Military Advocate General Corps.** Served as a prosecutor and litigated in military courts. Later served as a legal officer at the IDF Military Law School, the work included teaching soldiers, cadets, and officers military law and the laws of war and conducting legal research (2003-2006).

Admitted to the Israeli Bar (2005).

#### **Prizes and Scholarships**

- Rothschild Fellowship (2010-2011)
- Fox Fellowship (2009)
- Wolf Foundation Stipend (2008-2009)
- Dean's List (1998-1999)