

OREN GROSS

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ACADEMIC POSITIONS

- Current** **THE UNIVERSITY OF MINNESOTA LAW SCHOOL**
Irving Younger Professor of Law.
Director, Institute for International Legal & Security Studies.
Editor, National Security Law Journal (SSRN).
- July 2004- THE UNIVERSITY OF MINNESOTA LAW SCHOOL**
July 2005 Julius E. Davis Professor of Law.
Director, Minnesota Center for Legal Studies.
Chair, Faculty Works in Progress.
- May 2005- TRANSITIONAL JUSTICE INSTITUTE, U. OF ULSTER, N. Ireland**
Dec. 2005 Visiting Professor.
- Aug. 2003** **THE UNIVERSITY OF MINNESOTA LAW SCHOOL**
Associate Professor (with tenure) and Vance K. Opperman Research Scholar.
- Aug. 2002** **THE UNIVERSITY OF MINNESOTA LAW SCHOOL**
Associate Professor. Teaching: International Trade Law, International Business Transactions, National Security Law.
- Oct. 1996- TEL AVIV UNIVERSITY, FACULTY OF LAW Tel-Aviv, Israel**
Feb. '02 Associate Professor. Teaching: International Trade Law, International Law, National Security Law, Emergency Powers, EU Law, International Law and Legal Theory.
- 2001/02** **BENJAMIN N. CARDOZO SCHOOL OF LAW New York, New York**
Visiting Professor. Teaching: Contracts, International Business Transactions, Internet Law.
- 2001/02** **WOODROW WILSON SCHOOL OF PUBLIC AND INTERNATIONAL AFFAIRS, PRINCETON UNIVERSITY**
Visiting Scholar.

- Spring 2001 THE QUEEN'S UNIVERSITY Belfast, Northern Ireland**
Visiting Research Fellow, Center for International and Comparative Human Rights Law.
- July-Sept. 2000 MAX-PLANCK-INSTITUTE FOR INTERNATIONAL AND PUBLIC LAW Heidelberg, Germany**
Research Fellow.
- Oct. 1999- Feb. 2001 TEL AVIV UNIVERSITY Tel-Aviv, Israel**
Member, Executive Board, The Tel Aviv University Center for the Advancement of Teaching.
- 1993 BRANDEIS UNIVERSITY**
Guberman Fellow, Lecturer in Legal Studies.

EDUCATION

- S.J.D. HARVARD LAW SCHOOL, 1997**
Topic: *"Theoretical Models of Emergency Powers"*.
Advisory committee: Professors Frederick Schauer (supervisor), Abram Chayes, Richard Fallon.
Honors: Guberman Fellow, Lecturer in Legal Studies, Brandeis University. ('93)
Activities: European Union Training Program. ('94)
Research assistant of Professor William Alford. ('92)
- LL.M. HARVARD LAW SCHOOL, 1992**
Topic: *"GATT and Intellectual Property Rights-Old Rules, New Problems"*. Supervisor: Professor William Alford.
Honors: Fulbright Scholarship.
Activities: Research Assistant of Professor Philip B. Heymann.
- LL.B. TEL-AVIV UNIVERSITY, FACULTY OF LAW, 1986 Tel-Aviv, Israel**
Honors: Magna Cum Laude (ranked 1st in class of 153).
Dean's list every year in attendance.
Tel-Aviv Univ. Faculty of Law Merit Scholarships. ('85, '86)
ABA BEN EFRAIM FUND Scholarship (best student, Faculty of Law).
Activities: Editorial Board, Tel-Aviv University Law Review. ('84-'86)
Annual Moot Court-Final. ('85)
Teaching Assistant of Dean Reichman in Property Law. ('87)

ACADEMIC AWARDS

- 2007** American Society of International Law, Certificate of Merit for a preeminent contribution to creative scholarship, awarded to *Law in Times of Crisis*.
- 2005** British Academy, Visiting Professor Fellowship.
- 2004** Fesler Summer Research Grant, University of Minnesota Law School
- 2003** Vance K. Opperman Research Scholar, University of Minnesota Law School

- 2001 British Academy Visiting Fellowship
2001 British Council Research Grant
2000/01 Minerva Center for Human Rights Research Grant
1998/99 Cegla Institute for Comparative and Private International Law Research Grant
1993 Guberman Fellowship, Brandeis University
1992 Fulbright Scholarship
1982-86 Tel-Aviv University Faculty of Law Merit Scholarships
1985 ABA BEN EFRAIM FUND Scholarship

BAR MEMBERSHIP & ASSOCIATIONS

- Oct. '08- Elected Member, American Law Institute.
American Society of International Law - member
May '96 New York Bar.
May '88 Israeli Bar.
Dec. '99 Defense for Children International–Israel, Executive Board
-Dec. '00
May '00 Israel Union for Environmental Defense, invited member of Executive Board

LEGAL EXPERIENCE

- Oct. '95- **SULLIVAN & CROMWELL** **New York, New York**
Aug. '96 *Associate*. Transactions worked on involved various aspects of securities laws representing both issuers and underwriters, mergers and acquisitions and asset backed financing including mortgage based financing representing purchasers of real estate and loans portfolios in the United States, Europe, North America and Latin America. Member of the firm's real estate group.
- 1986- **INTERNATIONAL LAW BRANCH, JUDGE ADVOCATE**
1991 **GENERAL'S CORPS, ISRAELI DEFENSE FORCES** **Tel-Aviv, Israel**
Senior Legal Advisory Officer, ranked Captain. Served as a legal adviser to the highest levels of Israeli Defense Forces and Ministry of Defense decision-makers. Prepared legal opinions on various aspects of International law, Tort, Constitutional, and Contract Law. Prepared legal opinions and briefs for the State regarding civil claims and petitions against the State submitted to the Israeli Supreme Court. Drafted primary legislation for the Israeli Defense Forces in the Areas administered by Israel (including the establishment of a Military Court of Appeals, regulation of telecommunications services etc.). Served as a member and coordinator of several Inter-Ministerial committees and teams.
Judge Advocate General's Corps' Chief lecturer and instructor on international law issues.
Editorial Board, Judge Advocate General's Corps' Law Review.
- Sept. '85 **I. GORNITZKY & Co.** **Tel-Aviv, Israel**
July '86 *Law Clerk*. Commercial and Corporate Law.

WRITINGS and PUBLICATIONS

BOOKS

- 2006 Law in Times of Crisis: Emergency Powers in Theory and Practice (Cambridge University Press, 2006). Book co-authored with Prof. Fionnuala Ni Aolain.
Book awarded the American Society of International Law's 2007 Certificate of Merit for a preeminent contribution to creative scholarship.

ARTICLES and BOOK CHAPTERS (published or accepted for publication)

- 2009 "Security vs. Liberty: An Unbalanced Balancing" De Lege (2009)
- 2008 "A Skeptical View of Deference to the Executive in Times of Crisis" Israel L. Rev. (2008)
- 2008 "Extra-legality and the Ethic of Political Responsibility" in Emergencies and the Limits of Legality 60 (Victor Ramraj ed., Cambridge University Press, 2008)
- 2007 "Torture and an Ethics of Responsibility" 3 Law, Culture and the Humanities 35 (2007)
- 2006 "'Control Systems' and the Migration of Anomalies," in Migration of Constitutional Ideas 403 (Sujit Chowdhury ed., Cambridge University Press, 2006).
- 2006 "What Emergency Regime?" 13 Constellations 74 (2006)
- 2006 "Preventive Interrogational Torture," in The Global War on Terrorism: Executive Branch Challenges in Forming Counterterrorism Policy 107 (Institute for National Security and Counterterrorism at Syracuse University, 2006).
- 2006 "The Concept of 'Crisis': What Can We Learn from the Two Dictatorships of L. Quinctius Cincinnatus?," in Diritti Civili ed Economici in Tempi di Crisi 21 (2006).
- 2005 "Torture, Violence, and the Global War on Terror: Lecture Commentary" 99 Am. Soc'y Int'l L. Proceedings 407 (2005)
- 2005 "Stability and Flexibility: A Dicey Business," in Global Anti-Terrorism Law and Policy 90 (Victor Ramraj, Michael Hor, and Kent Roach eds., Cambridge University Press, 2005).
- 2004 "The Prohibition on Torture and the Limits of the Law" in Torture: A Collection 229 (Sanford Levinson ed., Oxford University Press, 2004)
- 2004 "Are Torture Warrants Warranted? Pragmatic Absolutism and Official Disobedience" 88 Minnesota Law Review 1481 (2004)
- 2003 "Providing for the Unexpected: Constitutional Emergency Provisions" 33 Israel YB Hum. Rts. 13 (2003)
- 2003 "Chaos and Rules: Should Responses to Violent Crises Always Be Constitutional?" 112 Yale Law Journal 1011 (2003)
- 2002 "Wrong Response" 27(6) Boston Review 16 (2002)
- 2002 "Constitution and Crisis: The Use of Emergency Powers in the United States" in American Democracy: The Real, The Imagined and the False 196 (Arnon Gutfeld ed., 2002)
- 2001 "Cutting Down Trees: Law-Making Under the Shadow of Great Calamities" in The Security of Freedom: Essays on Canada's Anti-Terrorism Bill 39 (Ronald J. Daniels et al eds., 2001).
- 2001 "From Discretion to Scrutiny: Revisiting the Application of the Margin of Appreciation Doctrine in the Context of Article 15 of the European Convention on Human Rights" 23 Hum. Rts. Q. 625 (2001). Co-authored with Prof. Fionnuala Ni Aolain.

- 2001 “Emergency, War and International Law-Another Perspective” 70 Nordic J. Int’l L. 29 (2001). Co-authored with Prof. Fionnuala Ni Aolain.
- 2001 “On Terrorists and Other Criminals: States of Emergency and the Criminal Legal System”, in Directions in Criminal Law: Inquiries in the Theory of Criminal Law 409 (Eli Lederman ed. 2001).
- 2000 “Mending Walls: The Economic Aspects of Israeli-Palestinian Peace” 15 Am. U. Int’l L. Rev. 1539 (2000).
- 2000 “Regional Trade Arrangements in the Service of Peace in the Middle East” in Regional Cooperation in a Global Context 101 (R. Bar-El, G. Benhayoun & E. Menipaz eds. 2000). Co-authored with Dr. Eli Sagi, Eitan Berglass School of Economics, Tel Aviv University.
- 2000 “The Israeli-Palestinian Economic Permanent Status Agreement and Trade Regime” 47(1) Economic Quarterly 50 (2000). Co-authored with Dr. Eli Sagi.
- 1999 “The Normless and Exceptionless Exception: Carl Schmitt’s Theory of Emergency Powers and the Norm-Exception’ Dichotomy” 21 Cardozo Law Review 1825 (2000).
- 1999 “Extremist and Terrorist Organizations” in First Judgments: Reflections upon Decisions of the Israeli Supreme Court During the First Year of Israel’s Independence 77 (D. Barak-Erez ed. 1999).
- 1998 “To Know Where We Are Going, We Need to Know Where We Are: Revisiting States of Emergency”, in A Human Rights Agenda for the 21st Century 79 (A. Heggarty & S. Leonard eds. 1999). Co-authored with Dr. Fionnuala Ni Aolain.
- 1998 “‘Once More unto the Breach’: The Systemic Failure of Applying the European Convention on Human Rights to Entrenched Emergencies”, 23 Yale Journal of International Law 437 (1998).
- 1995 “The Grave Breaches System and the Armed Conflict in the Former Yugoslavia” in 16 Michigan Journal of International Law 783 (1995).
- 1989 “The Military Courts’ System in Judea, Samaria and the Gaza Strip” 5 Monthly Rev. (1989).

BOOK REVIEWS and OTHER PUBLICATIONS

- 2005 *Chess in Literature*, The Colophon 7 (Spring 2005)
- 2004 *Enemy Among Us* (review of David Cole, *Enemy Aliens*). New York Law Journal Magazine 37 (Feb. 2004).
- 2002 *Transitional Justice: Law and Politics in Times of Transition* (by Ruti G. Teitel), 9(2) Constellations 286 (2002).
- 1994 Book-reviews prepared for the European Journal of International Law.

CONFERENCES and LECTURES (selected)

- Dec. ‘08 “Carl Schmitt”. Constitutional Law Advanced Workshop, Program in Law and Public Affairs, Princeton University.
- Sept. ‘08 “Torturing the Constitution: The (Un)constitutionality of Waterboarding.” Keynote speech, Constitution Day, Case Western Reserve University.
- Dec. ‘07 “Executive Power”. Constitutional Law Advanced Workshop, Program in Law and Public Affairs, Princeton University.
- Mar. ‘07 “War, Torture, and Medical Ethics”. The Hubert H. Humphrey Institute of Public Affairs.
- Feb. ‘07 “9th Annual Latke-Hamentash Debate” University of Minnesota. Debating for the Latke. Presented “It’s Latke Time, Baby!”

- Jan. '07** "Terrorism and the Rule of Law: Legal Theory in Times of Crisis – A Symposium inspired by the Dyzenhaus-Gross Debate" The National University of Singapore. Paper presented "*The Physics of the Exception.*"
- Nov. '06** "War on Terror: International and Interdisciplinary Perspectives." Minnesota Journal of International Law symposium. Co-organized and presented a paper on "*Humanitarian Intervention and the Duty to Protect.*"
- Oct. '06** "9/11 Five Years On: A Look at the Global War on Terrorism." Minnesota Law Review annual symposium. Co-organized and presented a paper on comparative constitutional emergency regimes.
- Sept. '06** "Extraordinary Powers in Ordinary Times." Boston University Law Review symposium. Presented paper on emergency powers in the context of economic crises.
- Apr. '06** Presented work on torture at the Georgetown Colloquium on Constitutional Law & Theory.
- Feb. '06** University of Miami Law School Faculty Colloquium. Paper presented: "*Humanitarian Intervention and the Duty to Protect.*"
- Feb. '06** "*The Cusps of Law*" Lecture delivered upon inauguration as the Irving Younger Professor of Law, University of Minnesota Law School.
- July '05** "El reto de la seguridad en la nueva Europa." La Universidad de Santiago de Compostela, Spain. Opening lecture: "*El Derecho de la Seguridad: entre la normalidad interior y la excepcionalidad exterior.*"
- June '05** "Exploitation" Annual Philosophy Conference at the Shalom Hartman Institute (Jerusalem, Israel).
- May '05** "Civil and Economic Rights in Times of Crisis." Centro Nazionale di Prevenzione e Difesa Sociale, Stresa, Italy.
- Apr. '05** "The Global War on Terrorism, Round 2." Syracuse University College of Law, Bantle Symposium.
- Apr. '05** American Society of International Law Annual Meeting. Commentator.
- Feb. '05** "Law of Torture" Princeton University.
- Feb. '05** "Torture" Transitional Justice Institute, University of Ulster, Northern Ireland.
- Oct. '04** "Migration of Constitutional Ideas" University of Toronto Faculty of Law.
- Oct. '04** "Justice and Global Politics." Social Philosophy and Policy Center, Bowling Green State University, OH.
- June '04** Twentieth Annual Philosophy Conference at the Shalom Hartman Institute (Jerusalem, Israel) on "Repentance and Forgiveness in Jewish Tradition and Contemporary Philosophy."
- June '04** "Comparative Anti-Terrorism Law and Policy" National University of Singapore, Faculty of Law.
- May '04** "Transitional Justice: Northern Ireland and Beyond" University of Ulster School of Law. Conference to be held in Oñati, Spain.
- Mar. '04** "Constitutional Law Colloquium" Georgetown University Law Center.
- Feb. '04** Brennan Center Thomas M. Jorde Symposium. Boalt Hall, University of California at Berkeley.
- Jan. '04** Conference organized by the Journal of Law and Inequality, University of Minnesota Law School.

- Dec. '03** "Civil Liberties In Times of Stress: The American Patriot Act, Its Precedents, and Their Consequences" Miller Center of Public Affairs, University of Virginia. Paper presented: "*Counter-Terrorism and Law: Historical and Comparative Lessons.*"
- Apr. '03** "The Limits of Personal Privacy: Biomedical Information in Public Health, Population Genomics and Mass Disasters." University of Minnesota Law School.
- Oct. '02** "War against Terrorism: What Role for International Law? – U.S. and European Perspectives." University of Michigan Law School & the European Journal of International Law.
- Oct. '02** Society of American Law Teachers Annual Conference. Paper presented: "*Thinking outside the Box: Should All Responses to Violent Crises be Constitutional?*"
- Sept. '02** "Constitutional Studies Colloquium." University of Texas Law School. Paper presented: "*Thinking outside the Box: Should All Responses to Violent Crises be Constitutional?*"
- Sept. '02** "Global Antitrust Law and Policy." University of Minnesota Law School.
- Feb. '02** "Hate and Terrorist Speech on the Internet: The Global Implications of the Yahoo! Ruling in France". Benjamin N. Cardozo School of Law. Participant in a panel on "Terrorism and the Internet: Regulatory Implications of the Yahoo! Case".
- Nov. '01** "The Security of Freedom". Conference organized by the University of Toronto's Faculty of Law. Paper presented: "*Cutting Down Trees: Law-Making Under the Shadow of Great Calamities*".
- Oct. '01** International Law Weekend, City Bar Association of New York, participant in panel on "Minorities, Political Participation, and Peace"
- June '01** "Transitional Justice". Paper presented at an international conference held at the University of Ulster, Northern Ireland.
- May '01** "*Recent Developments in Dealing with Emergencies under the International and Regional Human Rights Regimes*". Lecture delivered at the University of Santiago de Compostela, Spain.
- Mar. '01** "*Mending Walls: Reflections on the Nature of the Economic Aspect of the Israeli-Palestinian Peace Agreement*", Lecture delivered at St. Anthony's College, Oxford.
- Dec. '00** "Legal Aspects of Emergency Regimes: International and Comparative Perspectives". Organizer of an international conference held at the Tel Aviv University, Faculty of Law.
- Oct. '00** "UN Convention on the Rights of the Child". Conference organized by the International Association of Legal Science. Paper Presented: "*Trade and Child Labor*".
- June '00** "Referenda and Direct Democracy: Moral and Legal Dilemmas". Tel Aviv University, Faculty of Law. Moderator.
- Mar. '00** "International Dispute Resolution: Deconstructing the Infrastructure of Terrorism". International conference organized by the Israeli Ministry of Justice. Paper presented: "*From Conflict to Peace: The Legal Transition from Emergency Regime to Normalcy*".
- Feb. '00** American Society of International Law, International Economic Law Annual Conference. Paper presented: "*Integration or Separation: The Economic Aspects of the Israeli-Palestinian Permanent Status Agreement*".
- Feb. '00** University of Michigan Law School, Winter 2000 International Law Workshop. Paper presented: "*Separation vs. Integration: The Economic Aspects of the Israeli-Palestinian Permanent Status Agreement*".
- Feb. '00** Lecture given at Harvard Law School: "*Sovereignty and Trade: The Economic Aspect of the Israeli-Palestinian Permanent Status Agreement*".
- June '99** "The 'Ma'atz Gang' Affair". Panel discussant, Tel Aviv University, Faculty of Law.
- Apr. '99** "Carl Schmitt: Legacy and Prospects." International Conference, Columbia Law School and the Benjamin Cardozo School of Law. Paper presented: "*On the Norm-Less and*

Exception-Less Exception: Carl Schmitt's Theory of Emergency Powers and the Normalcy-Emergency Dichotomy."

- Nov. '98** "Israel and the Jewish Property in Europe and the Arab Countries". Panel discussant, Tel Aviv University, Faculty of Social Sciences.
- Oct. '98** "*Terrorists and Criminals: The Spillover of Emergency into Criminal Law*". Paper Presented at a Criminal Law Conference at the Tel Aviv University, Faculty of Law.
- June '98** "Framing International Litigation". Chair, panel discussion in Conference on Judging and Judgment in the Shadow of the Holocaust: History, Law and Human Rights Discourse, Tel Aviv University, Faculty of Law.
- May '98** "The Future of the Israeli Bar Association". Chair, panel discussion, Tel Aviv University, Faculty of Law.
- May '98** "Administrative Detentions in Israel: People as Bargaining Chips". Panel discussant, Tel Aviv University, Faculty of Law.
- Mar. '98** "The Nafsu and the GSS Affairs: The Military, National Security and Democracy". Chair, Panel discussion, Tel Aviv University, Faculty of Law.
- Feb. '98** "State, Crime and Politics". The Seventh Symposium in Memory of Prof. Israel Drapkin, The Hebrew University of Jerusalem. Paper presented: "*International Criminal Law and the Legacy of Nuremberg: Fifty years on*".
- Jan. '98** "Extremist Groups and Terrorist Organizations". Panel discussant, Tel Aviv University, Faculty of Law.
- Jan. '98** "Genocide - Why Was the World Silent? - The Case of Rwanda". Panel discussant, Tel Aviv University, History Department.
- Dec. '97** "*Between Normalcy and Emergency: Emergency Legislation in the United States*". Lecture before M.A. Students forum, Tel Aviv University, History Department.
- Aug. '97** Faculty seminar. University College Galway, Law Faculty, Galway, Republic of Ireland. Paper presented: "*Theoretical Perspectives on Emergencies*".
- June '95** Two papers presented at the Law & Society Association's annual meeting, Toronto. Titles of papers: "*A Tale of Two Realities: Rethinking the Myth of the Normalcy-Emergency Dichotomy*" and "*The Legal Limits of Political Reconstruction: Northern Ireland and Israel Compared*".
- Apr. '95** Paper presented at the Seventh International Conference of the Owen M. Kupferschmid Holocaust and Human Rights Project of Boston College Law School, "Judgments on Nuremberg: The Past Half Century and Beyond".
Title of paper: "*Enforcing Humanitarian Law - have we learned the lessons of Nuremberg?*"
- 1992-96** Series of lectures regarding the legal aspects of the Arab-Israeli conflict given, among others, at Harvard Law School, New York University School of Law, Western New England College School of Law, the U.J.A., Mosaic Organization, New Israel Fund, Consulate General of Israel for New England, Consulate General of Israel in New York.

OTHER PROFESSIONAL ACTIVITIES

- 2007-08** Chair, American Society of International Law's Committee on Annual Awards.
- 2005-** Book reviewer for Cambridge University Press, Oxford University Press, and Princeton University Press.
- 2006-** Advisory Board, Human Rights Program, University of Minnesota
- 2005-** Advisory Board, Human Rights Center, University of Minnesota Law School
- Dec. '98** Legal consultant to the Jaffee Center for Strategic Studies, Tel Aviv University on "May 1999 and the Future of Israeli-Palestinian Relations".

Prof. Oren Gross

1998 Legal consultant to a joint Israeli-Palestinian project under the auspices of the Government of Norway concerning “A Possible Set of Israeli-Palestinian Economic Understandings for Permanent Status”.

July '94 “*Repression of Grave Breaches of the Four Geneva Conventions for the Protection of Victims of War of 12 August 1949*”. Paper prepared as Special Consultant to the UN upon request by the International Tribunal on the Former Yugoslavia.

LANGUAGES / PERSONAL

Fluent in English and Hebrew. Good knowledge of Spanish. Working knowledge of French and German.

United States Chess Federation and Israeli Chess Federation - member.

Licensed radio amateur (Israel).

Certified open water diver (PADI).