

## HARLAN GRANT COHEN

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Athens, GA 30602  
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### CURRENT POSITIONS:

#### **University of Georgia School of Law, Athens, GA**

*Associate Professor of Law, August 2011-Present (with tenure since August 2012)*  
*Assistant Professor of Law, August 2007-August 2011*

*Courses:* Public International Law, U.S. Foreign Affairs and National Security Law, International Human Rights Law, International Trade Law, Global Governance, International Law Colloquium, International Criminal Law

*Service:* Faculty Recruitment Committee (2010-2012), International and Graduate Programs Committee (2011-present), Faculty Seminars Committee (2007-09), Graduate Admissions Committee (2008-present), Academic/Student Affairs Committee (2009-2010), Advisor, *Georgia Journal of International and Comparative Law* (2010-present), Advisor, *Philip C. Jessup International Law Moot Court Team* (2009-present), Advisor, *Jewish Law Students Association* (2014-present)

### VISITING POSITIONS:

#### **New York University School of Law, New York, NY**

*Visiting Fellow, International Institute for Law and Justice, and Adjunct Professor, Spring 2015, International Legal Theory Colloquium (co-teaching with Benedict Kingsbury)*

#### **Bar Ilan University – Faculty of Law, Ramat Gan, Israel**

*Visiting Professor of Law, Fall 2013, The Evolution of International Adjudication (short course)*

#### **New York University School of Law, New York, NY**

*Furman Fellow; Furman Program Coordinator, August 2005-July 2007*

### ARTICLES & CHAPTERS:

*Formalism and Distrust: Foreign Affairs Law in the Roberts Court*, 83 GEO. WASH. L. REV. \_\_ (forthcoming 2015).

*Theorizing Precedent in International Law*, in INTERPRETATION IN INTERNATIONAL LAW (Oxford University Press 2015).

*International Precedent and the Practice of International Law*, in THE CHALLENGES OF GLOBAL AND LOCAL LEGAL PLURALISM: MEDIATING STATE AND NON-STATE LAW (Cambridge University Press, forthcoming 2015).

*International Law's Erie Moment*, 34 MICH. J. INT'L L. 249 (2013).

*Finding International Law, Part II: Our Fragmenting Legal Community*, 44 NYU J. INT'L L. & POL. 1049 (2012).

- Winner of the JILP Peer Review Award

*"Undead" Wartime Cases: Stare Decisis and the Lessons of History*, 84 TULANE L. REV. 957 (2010).

- Cited by *In re Davis*, No. CV409-130, 2010 WL 3385081 at \*41 n. 33 (S.D. Ga. August 24, 2010).

*Can International Law Work? A Constructivist Expansion*, 27 BERKELEY J. INT'L L. 636 (2009).

*Finding International Law: Rethinking the Doctrine of Sources*, 93 IOWA L. REV. 65 (2007).

*Supremacy and Diplomacy: The International Law of the U.S. Supreme Court*, 24 BERKELEY J. INT'L L. 273 (2006).

*The American Challenge to International Law: A Tentative Framework for Debate*, 28 YALE J. INT'L L. 551 (2003).

- Winner of Washington Foreign Law Society's Robert H. Jackson Prize

*The (Un)favorable Judgment of History: Deportation Hearings, the Palmer Raids, and the Meaning of History*, 78 N.Y.U. L. REV. 1431 (2003).

**BOOKS:**

PROCEEDINGS OF THE 106<sup>TH</sup> ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW: CONFRONTING COMPLEXITY (with Chiara Giorgetti & Cymie Payne eds. 2013).

**SHORTER****PUBLICATIONS:**

*Fragmentation*, in FUNDAMENTAL CONCEPTS FOR INTERNATIONAL LAW: THE CONSTRUCTION OF A DISCIPLINE (Edward Elgar, forthcoming 2015).

*International Law in a Time of Scarcity: An Introduction*, 42 GA. J. INT'L & COMP. L. 1 (2013).

*Lawyers and Precedent*, 46 VAND. J. TRANSNAT'L L. 1025 (2013).

*From Fragmentation to Constitutionalization* 25 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 381 (2012).

*From International Law to International Conflicts of Law: The Fragmentation of Legitimacy*, 104 AM. SOC. INT'L L. PROC. 49 (2010).

*Historical American Perspectives on International Law*, 15 ILSA J. INT'L & COMP. L. 485 (2009).

*International Decision: Munaf v. Geren*, 102 AM. J. INT'L L. 854 (2008).

*1999 Turkish Elections: Background and Outlook*, in PEACEWATCH/POLICYWATCH ANTHOLOGY 1999: THE MIDDLE EAST IN TRANSITION (Monica Neal Hertzman ed., 2000).

**WORKS IN  
PROGRESS:**

INTERNATIONAL LAW AS BEHAVIOR (edited volume, expected 2016).

THE LEGITIMACY OF INTERNATIONAL COURTS (with Nienke Grossman, Andreas Follesdal & Geir Ulfstein eds., expected 2016).

*The Death of Deference and the Domestication of Treaties*

*Commodity Colonialism*

*Terror Bleeds: An Empirical Examination of the Impact of “War on Terror” Cases*

*Forgotten Experiments: American International Law in the Gilded Age*

**HONORS AND  
LEADERSHIP:**

*Member, American Law Institute (elected October 2013)*

*Executive Council, American Society of International Law (elected Spring 2013)*

*Managing Editor, AJIL - Unbound (December 2014-present)*

*Editorial Board, ASIL Benchbook on International Law, August 2014-present*

*Co-Chair, American Society of International Law – Southeast, 2012-2015*

*Peer Review Award (for most significant contribution by an emerging scholar), NYU Journal of International Law and Politics, August 2012*

*Co-Chair, 2012 Annual Meeting of the American Society of International Law*

*Co-Chair, Junior International Law Scholars Association, 2009-2011*

*Program Committee, 2011 Annual Meeting of the American Society of International Law*

*Justice Robert H. Jackson Prize (for best published student writing on a topic of international or foreign law), Washington Foreign Law Society, June 2004*

*Symposium Prize, Yale Journal of International Law Young Scholars Conference, March 2003*

*Smith Richardson Grand Strategy Fellows Program Research Grant, 2000*

*Smith Richardson Fellowship Program Research Grant, 2000*

**PRESENTATIONS:**

*Invited Participant, International Law and the Practice of Legality: Stability and Change, University of Toronto, Toronto, Canada, May 29-30, 2015.*

*Presenter/Panelist, “American Policy in the Middle East: Are There Constitutional Limits on Congress’s Power Over Foreign Affairs?” The Georgia Lawyer Chapter of the American Constitution Society, Atlanta, GA, May 18, 2015.*

*Presenter, “The Varied Shapes of American International Legal Realism,” ASIL International Legal Theory Interest Group Symposium, Washington, DC, Washington, DC, May 7, 2015.*

*Presenter/Panelist, “Foreign Relations Law in the Roberts Court: The First Decade,” American Society of International Law Annual Meeting, Washington, DC, April 9, 2015.*

*Presenter, “Theorizing International Precedent,” International Law Colloquium, St. John’s University School of Law, New York, NY, March 23, 2015.*

*Presenter*, “The Death of Deference/The Domestication of Treaty Law,” Brigham Young University Law Review Symposium on the Restatement 4<sup>th</sup> and the Law of Treaties, Provo, UT, January 29-30, 2015

*Convener/Presenter*, International Law as Behavior, ASIL International Legal Theory Interest Group Symposium, Washington, DC, November 13, 2014.

*Moderator*, “Regulatory Framework,” Children and International Criminal Justice, GJICL Conference, University of Georgia School of Law, Athens, GA, October 28, 2014.

*Convener/Presenter*, Conference on the Legitimacy of International Courts, University of Baltimore School of Law, Baltimore, MD, September 18-19, 2014.

*Panelist*, 2013 U.S. Supreme Court Term Roundup, Athens, GA, September 17, 2014.

*Presenter*, “A Theory of International Precedent,” Sociological Inquires into International Law, London School of Economics, London, UK, May 16, 2014

*Convener*, ASIL-Southeast Junior-Senior Workshop, University of Virginia School of Law, Charlottesville, VA, May 5, 2014

*Moderator*, “The New Roles of Corporations in Global Governance,” GJICL Conference, University of Georgia School of Law, Athens, GA, April 18, 2013.

*Presenter*, “A Theory of International Precedent,” Faculty Colloquium, Seton Hall University Law School, Newark, NJ, March 11, 2014.

*Presenter*, “A Theory of International Precedent,” Faculty Colloquium, University of Washington Law School, Seattle, WA, February 27, 2014.

*Panelist*, Implications of the Edward Snowden Leaks,” American Constitution Society/Georgia Society of International and Comparative Law Event, Athens, GA, January 31, 2014.

*Presenter*, “A Theory of International Precedent,” International Institute for Counter-Terrorism Roundtable, Interdisciplinary Center, Herzliya, Israel, December 22, 2013.

*Presenter*, “A Theory of International Precedent,” Faculty Seminar, Bar Ilan University Faculty of Law, Ramat Gan, Israel, December 17, 2013.

*Moderator*, “Ongoing Human Rights Challenges,” ASIL Research Forum, New York, NY, November 2, 2013.

*Presenter*, “A Theory of International Precedent,” Faculty Colloquium, University of Georgia School of Law, Athens, GA, October 30, 2013.

*Presenter*, “Prolegomena to a Theory of International Precedent,” Cambridge Conference on Interpretation in International Law, Lauterpacht Centre, Cambridge, UK, August 27, 2013.

*Observer-Delegate*, 14th U.N. Open-ended Informal Consultative Process on Oceans and the Law of the Sea, United Nations, New York, NY, June 17-20, 2013.

*Presenter*, “Transnational Governance through Communities of Practice,” Annual Meeting of the European-American Consortium on Legal Education (EACLE), Baltimore, MD, May 22, 2013.

*Presenter*, “Precedent, Audience, & Authority,” ASIL International Legal Theory Interest Group Symposium, Washington, DC, May 2, 2013.

*Presenter*, “Toward International Law’s *Erie* Moment,” International Law Colloquium, Southern Methodist University Law School, Dallas, TX, April 19, 2012.

*Presenter*, “Lawyers and Precedent,” Vanderbilt Journal of Transnational Law Symposium, Nashville, TN, February 8, 2013.

*Moderator*, “International Law in a Time of Scarcity,” GJICL Conference, University of Georgia School of Law, Athens, GA, January 5, 2013.

*Presenter*, “Toward International Law’s *Erie* Moment,” ASIL Research Forum, Athens, GA, October 19-21, 2012.

*Invited Participant*, International Law Roundtable, “Power and Constraint,” Temple Law School, Philadelphia, PA, September 28, 2012.

*Presenter*, “Toward International Law’s *Erie* Moment,” UGA/Emory Summer Workshop, Emory Law School, Atlanta, GA, June 27, 2012.

*Presenter*, “Toward International Law’s *Erie* Moment,” Global Law and Justice Colloquium, New York Law School, New York, NY, April 25, 2012.

*Presenter*, “Toward International Law’s *Erie* Moment,” Junior International Law Scholars Conference, University of Georgia School of Law, Athens, GA, February 10, 2012.

*Presenter*, “Finding International Law, Part II: Our Fragmenting Legal Community,” International Law Colloquium, NYU Law School, New York, NY, January 25, 2012.

*Presenter*, “Finding International Law, Part II: Our Fragmenting Legal Community,” Faculty Workshop, Emory Law School, Atlanta, GA, October 5, 2011.

*Invited Participant*, International Law Roundtable, “War-Time,” Temple Law School, Philadelphia, PA, September 23, 2011.

*Panelist*, “Palestine at the UN: Recognition of Statehood and Its Legal Implications,” J Street Lawyers Network, New York, NY, September 21, 2011.

*Discussant*, Book Conference: “Bringing Lessons Home,” Berkeley Law School, Berkeley, CA, September 16, 2011.

*Presenter*, “International Law and the Proposed United Nations Recognition of Palestinian Statehood,” Jewish Community Relations Council of Atlanta, Atlanta, GA, September 13, 2011.

*Discussant*, International Relations/International Law Interdisciplinary Research Group Workshop, “The Interpretation, Application and Enforcement of International Law,” Temple Law School, Philadelphia, PA, May 13-14, 2011.

*Presenter*, “From Fragmentation to Constitutionalization,” Symposium on The Global Impact and Implementation of Human Rights Norms, University of The Pacific, McGeorge School of Law, March 11-12, 2011.

*Co-Organizer*, Junior International Law Scholars Conference, Yale Law School, New Haven, CT, February 25-26, 2011.

*Presenter*, “From International Law to International Conflicts of Law,” International Law Workshop, Michigan Law School, Ann Arbor, MI, January 31, 2011.

*Presenter*, “From International Law to International Conflicts of Law,” Winter Workshop on Interdisciplinary Approaches to Transnational Law, Arizona State University, Sandra Day O’Connor College of Law, Tempe, AZ, January 14, 2011.

*Moderator*, “Fallout: The Future of Nuclear Security and Non-Proliferation,” GJICL Conference, University of Georgia School of Law, Athens, GA, November 12, 2010.

*Presenter*, “International Law is Dead; Long Live International Law,” American Branch of the International Law Association, International Law Weekend, New York, NY October 22, 2010.

*Invited Participant*, International Law Roundtable, “Law Beyond Borders: Jurisprudence for a Hybrid World,” Temple Law School, Philadelphia, PA, October 8, 2010.

*Presenter*, “International Law is Dead; Long Live International Law,” International Legal Theory Group, Annual Meeting of the European Society of International Law, Cambridge, UK, September 1-2, 2010.

*Presenter*, “From International Law to International Conflicts of Law,” International Law Colloquium, Temple Law School, Philadelphia, PA, April 20, 2010.

*Moderator*, Georgia Society of International and Comparative Law International Law Career Symposium, Athens, GA, April 2, 2010.

*Presenter*, “From International Law to International Conflicts of Law,” New Voices Panel, Annual Meeting of the American Society of International Law, Washington, DC, March 25, 2010.

*Co-Organizer/Commenter*, Junior International Law Scholars Conference, UC Hastings Law School, San Francisco, CA, February 26, 2010.

*Moderator*, International Human Rights and Climate Change Conference, University of Georgia School of Law, Athens, GA, February 12, 2010.

*Commenter*, Junior International Law Scholars Conference, Temple Law School, Philadelphia, PA, February 13, 2009.

*Presenter/Panel Chair*, “Historical Attitudes of the United States towards International Law,” at American Branch of the International Law Association, International Law Weekend, New York, NY October 16-18, 2008.

*Commenter*, Vanderbilt Roundtable on Foreign Relations Law, Nashville, TN, September 12-13, 2008.

*Moderator*, Georgia Society of International and Comparative Law International Law Career Symposium, Athens, GA, April 14, 2008.

*Presenter*, “Making International Law: Looking for Legitimacy Rules in Fragmenting International Communities,” at the Indiana University Law School Conference: The Individual and Customary International Law, Bloomington, IN, April 3-5, 2008.

*Presenter*, “Taking *Opinio Juris* Seriously: Rethinking the Doctrine of Sources of International Law,” Summer Faculty Workshop, NYU School of Law, New York, NY, June 2006.

*Moderator*, “Extraterritorial Application of Constitutional Rights” Panel at the NYU Annual Survey of American Law’s 2006 Symposium: Constitutional Implications of the War on Terror, New York, NY, February 3, 2006.

*Presenter*, “The American Challenge to International Law,” at the Yale Journal of International Law Young Scholars Conference: World Public (Dis)order: International Law in an Age of Uncertainty, New Haven, CT, March 1, 2003.

*Moderator*, “Grand Strategy” Panel at International Security Studies Service Academies Workshop, April 7-8, 2000.

*Presenter*, “Jordan and the Baghdad Pact: The Failure of British Middle East Policy, 1955-1956,” at the Roundtable on British History, New Haven, CT, February 26, 2000.

*Presenter*, “Islam and Turkish Politics,” at the Yale Colloquium on Islam and Modernity, New Haven, CT, March 2000.

*Co-Organizer*, Conference on Geography and International History, New Haven, CT, February 11-12, 2000.

#### ONLINE

#### CONTRIBUTIONS:

Convenor/contributor, *Opinio Juris* “International Law as Behavior” Symposium:

- *International Law as Behavior Symposium: Introduction*

<http://opiniojuris.org/2015/01/19/international-law-behavior-symposium-introduction/>

- *International Law as Behavior Symposium: The Sociology of International Precedent*

<http://opiniojuris.org/2015/01/20/international-law-behavior-symposium-sociology-international-precedent/>

- *International Law as Behavior Symposium: An Agenda*

<http://opiniojuris.org/2015/01/21/international-law-behavior-symposium-agenda/>

Invited contributor to *Opinio Juris* Book Symposium on KATERINA LINOS, THE DEMOCRATIC FOUNDATIONS OF POLICY DIFFUSION (2013):

<http://opiniojuris.org/2013/06/27/linos-book-symposium-comments-by-harlan-cohen/>

Guest-blogger, *Opinio Juris*, November-December 2011.

- *Lawofnation.blogspot.com Memories*

<http://opiniojuris.org/2011/11/22/lawofnation-blogspot-com-memories/>

- *What if ATS Liability has Nothing to do With “Customary” International Law? Part I*

<http://opiniojuris.org/2011/11/22/what-if-ats-liability-has-nothing-to-do-with-“customary”-international-law-part-i/>

- *What if ATS Liability has Nothing to do With “Customary” International Law? Part II*

<http://opiniojuris.org/2011/11/23/what-if-ats-liability-has-nothing-to-do-with-customary-international-law-part-ii/>

- *Country of Origin and the International Turkey Trade or “Is that Turkey Kosher?”*

<http://opiniojuris.org/2011/11/24/country-of-origin-and-the-international-turkey-trade-or-“is-that-turkey-kosher”/>

- *George Kennan, International Lawyer?*

<http://opiniojuris.org/2011/11/28/george-kennan-international-lawyer/>

- *Merely a Transactional Relationship?*

<http://opiniojuris.org/2011/11/29/merely-a-transactional-relationship/>

- *The Post Office as International Law Bellwether?*

<http://opiniojuris.org/2011/12/06/the-post-office-as-international-law-bellwether/>

- *2012 ASIL Annual Meeting: Confronting Complexity*

<http://opiniojuris.org/2011/12/12/2012-asil-annual-meeting-confronting-complexity/>

- *Towards a Pluralism of International Law(s)?*

<http://opiniojuris.org/2011/12/14/towards-a-pluralism-of-international-laws/>

Invited contributor to *Opinio Juris* Book Symposium on DAVID L. SLOSS, MICHAEL D. RAMSEY, & WILLIAM S. DODGE, EDS., INTERNATIONAL LAW IN THE U.S. SUPREME COURT (2011):

- *Resisting the Thrall of the Grand Narrative:*

<http://opiniojuris.org/2011/07/25/resisting-the-thrall-of-the-grand-narrative/>

- *A Partial Defense of Insider Doctrinal History:*

<http://opiniojuris.org/2011/07/26/international-law-in-the-u-s-supreme-court-a-partial-defense-of-insider-doctrinal-history/>

## EDUCATION:

### **New York University School of Law, J.D., *magna cum laude*, 2003**

*Honors & Activities:* Order of the Coif, Maurice Goodman Memorial Prize for outstanding scholarship and character, Florence Allen Scholar, Summer Seminar in Legal Scholarship (by competitive selection); *Activities:* Articles Editor, *New York University Law Review*; Student Member, Academic Personnel Committee

### **Yale Graduate School of Arts and Sciences, M.A., History, 2000**

International History, Affiliated with International Security Studies; Participant, Studies in Grand Strategy, Grand Strategy Project (by competitive selection)

### **Yale College, B.A., History and International Studies, 1998**

*Honors:* Distinction in both majors, Winifred Sturley Prize in English History, International Security Studies Senior Essay Prize; *Theses:* *Jordan and the*



*Baghdad Pact: The Failure of British Policy in the Near East, 1955-1956* (History); *His Not to Reason Why, His Not to Make Reply: The Dismissal of John Bagot Glubb, March 1956* (International Studies)

**PREVIOUS  
EXPERIENCE:**

**Cleary Gottlieb Steen & Hamilton LLP, New York, NY & Brussels, Belgium**  
*Associate, Summer Associate, Summer 2002, November 2004-August 2005*  
Represented PeopleSoft in litigation related to Oracle's hostile takeover bid. Drafted Amicus Curiae brief to the U.S. Supreme Court in *Arthur Andersen LLP v. United States* on behalf of the New York Council of Defense Lawyers. Provided pro bono representation to client seeking relief under the Convention Against Torture. Advised client on investigation of cross-border tax deals. Provided advice for the Russian Ministry of Finance. Represented client bank in complex litigation against its insurers for coverage under a fidelity bond. Advised clients on European data and privacy rules.

**The Hon. Wilfred Feinberg, U.S. Court of Appeals for the Second Circuit, New York, NY**  
*Judicial Clerk, August 2003-August 2004*

**Professor Barry Friedman, New York University Law School, New York, NY**  
*Research Assistant, January 2003-July 2003*

**Office of the United States Attorney, S.D.N.Y., Civil Division, New York, NY**  
*Intern/Participant, Government Civil Litigation Clinic, August 2002-December 2002*

**The Hon. Shira A. Scheindlin, U.S. District Court, S.D.N.Y., New York, NY**  
*Judicial Intern, Summer 2001*

**Foreign Affairs, New York, NY**  
*Editorial Intern, Summer 2000*

Lead editor on articles covering Immigration, Missile defense, Russian Economic Reform, and American Foreign Policy.

**Professor Paul Kennedy, Yale University, New Haven, CT**  
*Research Assistant, September 1999-May 2000*

**Washington Institute for Near East Policy, Washington, DC**  
*Research Assistant, September 1998-August 1999*

Wrote and published a policy paper on the Turkish elections. Helped organize, design, and prepare two Iraq policy simulation games for policymakers and experts. Conducted research for Institute publications on Persian Gulf history, U.S.-Gulf defense policy, Caspian Sea oil, strategic missile defense, and nuclear weapons proliferation. Wrote and edited short policy briefings on developments in the Middle East. Designed and wrote the Institute's "Research Guide" for research assistants and interns.

**OTHER  
EXPERIENCE:**

American Enterprise Institute, Washington, DC, Intern, Summer 1998; American Jewish Committee, Washington, DC, Intern-Office of International Affairs, July 1997-August 1997; Democratic National Committee, Washington, DC, Intern, June 1997-July 1997; Senator Joseph Lieberman (D-CT), Washington, DC, Intern, Summer 1996

**PROFESSIONAL  
AFFILIATIONS  
AND SERVICE:**

Admitted to Practice, New York, First Department; American Law Institute, *Members Consultative Group on the Restatement (Fourth) of the Foreign Relations Law of the United States*; American Society of International Law, *International Legal Theory Interest Group*, Executive Committee Member, *International Law in Domestic Courts Group*, *Teaching International Law Group*; American Branch of the International Law Association, *Committee on Formation of Customary International Law*; European Society of International Law, *International Courts and Tribunals Interest Group*; Association of the Bar of the City of New York, *International Human Rights Committee (2006-09)*; American Bar Association, *Section on International Law*; Peer Reviewer: *Journal of International Dispute Settlement*, *Millennium Journal of International Studies*, Edward Elgar Publishing

**LANGUAGES:**

Conversant in Hebrew and Spanish. Some Arabic.