



A Graduate in the Headlines:



Dr. Sharon Yadin, graduate of the Zvi Meitar Center, 2014, senior lecturer on administrative law and corporate law at the Peres Academic Center.

Dr. Yadin, how does it feel to write a doctorate, turn it into a first book, and see it immediately adopted by case law, and especially at the respectable level of the Supreme Court, and in a key ruling?

“This is indeed very exciting and professionally satisfying. I was pleased that the Supreme Court accepted the model of regulatory contracts that I have proposed and developed in my book, and adopted it in the Israeli law. I think that the time has come, and the gas deal presents a great opportunity, to accept the administrative and legal model of contractual regulation and develop the law of regulatory contracts. In the era of regulation, it is important to understand that the power of coercion by the state can no longer be the only tool of control. Regulatory contract is a sophisticated, subtle, and focused control tool. It has a lot of advantages. It is also not free of shortcomings. One example is the way in which it is liable to grant greater weight to private stakeholders at the expense of public interest in the regulation, such as within the framework of a phenomenon known as ‘regulatory capture.’ I think the book has won wide

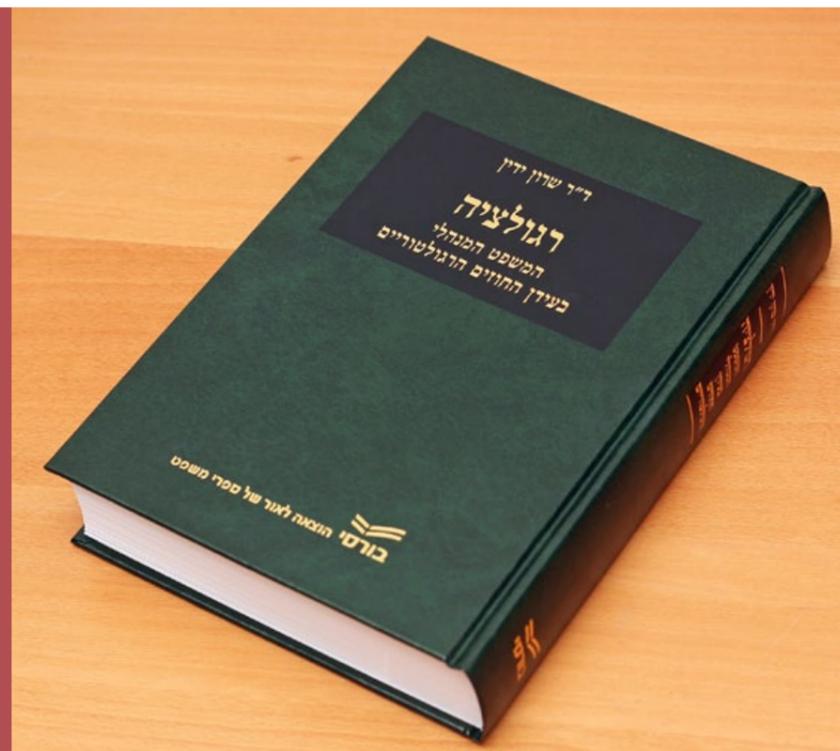
recognition in the Supreme Court because the tools of administrative law alone are no longer sufficient for analyzing the complex situations of economic regulation. The book contends that administrative law must be expanded and updated in the direction of regulation. Therefore, I expect that this central ruling will be the first in a series of decisions that will develop the regulatory laws. In my opinion, the academic and professional market thirsts for it.”

Did you feel already when you were writing the dissertation that you were entering a field in Israeli law where something was lacking?

How did the idea come about to make it the subject of your doctorate?

“After studying for my Master’s degree in commercial law, at the Buchmann Faculty of Law, I practiced for a short while in the legal department of a large bank. We routinely worked alongside regulators and cooperated with them. Often real negotiations were taking place between the parties about the wording of this or that document, about how a new service for customers should

be provided, and a range of other issues, to reduce future friction and ensure that the required authorizations are obtained, and to reduce the risk of sanctions. As a fresh law school graduate (I studied for the two degrees without interruption), I was surprised by these practices. Until then, based on reading the law and the court rulings, I was sure that the state regulator was the enforcing instance, authorized to impose fines if the company engages in prohibited activities. In reality it never happens this way. Issues are settled by talking, reaching understandings, persuasion, and only if everything fails, more serious tools are resorted to. This is how the idea to write about contractual regulation was born. I think it took time for me to realize how great the need was for works in Hebrew about regulation, even at the basic level of understanding what regulation is. There is no consensus about it, which is interesting. Jurists, economists, political scientists, and shapers of public policy—everyone thinks somewhat differently about what regulation is. The story of contractual regulation is neat because it has been known in the field for years, but academia didn’t quite discover it and jurists didn’t deal with it.”



This year, Dr. Yadin published her book, “Regulation: Administrative law in the era of regulatory contracts” (Bursi, 2016), based on the doctoral thesis that she wrote at the Zvi Meitar Center for Advanced Legal Studies. In a widely reverberating ruling of the High Court of Justice that rejected the stability clause in the gas deal complex, Yadin’s book was cited no fewer than 12 times, including a direct quotation from it in the statement of Justice Esther Chayut.

Did the Zvi Meitar Center for Advanced Legal Studies, and your Ph.D. advisors, Prof. Daphne Barak-Erez and Prof. Roy Kreitner, encourage and support your turning the doctoral dissertation into a book?

“Without any doubt, the support of the Faculty, and specifically of my advisors, gave me the motivation to publish my dissertation as a book. In this case, the issue of regulation was highly suitable for publication, which makes it accessible not only to academics. The book is addressed also to lawyers, who represent companies and businesses that are routinely dealing with regulation, and to legal advisors of the regulators in independent authorities, government ministries, and municipal government. When I was converting the doctorate into a book, I thought of these audiences and tried to edit out the parts that did not fit, for example, describing the methodology of writing a doctoral dissertation. In the course of a year and a half of work on the book I also updated many points relating to recent developments in Israeli regulation, which is very dynamic. Another audience I thought about in the book are students, so I included an introductory chapter to ease readers into the world of regulation and acquaint them with the basic concepts. There is also a separate chapter containing a literature review of prominent trends in

regulation. At the end of the book I also added a glossary with references to terms for those who wish to acquire an initial understanding in the field, as well as a short Hebrew-English lexicon. I hope that the book meets certain needs of those who deal with regulation in Israel.”

From the perspective of someone who acquired all her legal degrees at the Buchmann Faculty of Law at Tel Aviv University, how would you summarize this track? And what was your most powerful experience while studying at the Zvi Meitar Center for Advanced Legal Studies?

“Indeed, I was at the Faculty continuously since 2001, and it seems like only yesterday that I learned administrative law with Prof. Daphne Barak-Erez, who later advised me in my doctoral studies. Prof. Barak-Erez made me realize, through her extensive research and in our conversations in the course of my writing the doctorate, that administrative law has unfairly acquired a “gray” image. It is a thrilling field, at the crossroads of social and economic decision-making in the country, and the gas deal is the best illustration of it. Besides, during my studies I also met my husband. Therefore, the Law Faculty at Tel Aviv University will always be home for me. As for the Zvi Meitar Center, I see it as an incubator, one of the best in the country for training researchers in the field of law. A generous scholarship that I received during all the years of research allowed me the space to study and write. My first publication also occurred during my years in graduate school, in the prestigious journal of the Faculty, the TAU Law Review. I highly recommend the research track at the Law Faculty of Tel Aviv.”



Tools of administrative law alone are no longer sufficient to analyze complex situations of economic regulation.