

## CURRICULUM VITAE

### **Miriam Gur-Arye**

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### **Education and Professional Training**

1975 LL.B., Faculty of Law, Hebrew University (first in class)  
1981 D. Jur., Faculty of Law, Hebrew University (*summa cum laude*)  
1974-1975 Articled clerk, Uzi Azmon Law Firm, Jerusalem  
1975-1976 Articled clerk, Supreme Court, Justice Yoel Sussman  
1976 Member, Israel Bar Association

### **Academic Appointments**

1981-1986 Lecturer, Faculty of Law, Hebrew University  
1986-1993 Senior Lecturer, Faculty of Law, Hebrew University  
1990-1993 Joseph and Belle Brown Senior Lecturer in Law, Faculty  
of Law, Hebrew University  
1993- 2002 Associate Professor, Faculty of Law, Hebrew University  
1995 Judge Basil Wunsh Professor of Criminal Law  
2003 Full Professor

### **Other Academic Institutions**

1984-1985 University College, Oxford, England (Visiting Fellow and Tutor)  
2001-2003 University of California Berkeley, USA (Visiting Scholar and  
Professor)  
2009 (Summer) Criminal Justice Ethics College, CUNY, NY, USA (Visiting  
Researcher)  
2010 (Summer) New York University, NY, USA (Visiting Researcher)  
2015 (Fall) CTLS (Center for Transnational Legal Studies), London, England  
(Professor)  
2017 (Fall) CTLS (Center for Transnational Legal Studies), London, England  
(Professor)  
2017/2018 King's College, London UK (Visiting scholar)

2018/2019 CTLS (Center for Transnational Legal Studies), London, England  
(Co-Director)

### **Distinctions and Grants**

1974 Philip Meirovitz Prize for Best Student  
1975 Lionel Cohen Prize for Best Graduate  
1985 Sussman Prize for Best Legal Publication of the Year  
1992-1995 Israel Science Foundation Research Grant ("Property Offenses", with  
Mordechai Kremnitzer)  
2001-2002 Rabin Center for Israeli Research Grant ("Can Freedom of Expression  
Survive Social Trauma?")  
2005 Israel Bar Association Prize for Unique Academic Achievements  
2006-2009 German Israel Foundation Research Grant ("Human Dignity –  
German and Israeli Perspectives", with Mordechai Kremnitzer)  
2011- 2012 Israel Institute of Advanced Studies (research group organizer)  
2016 (Spring) Israel Institute of Advanced Studies (member of group)  
2018 Cheshin Prize for Excellent Academic Achievements

### **Courses Taught at the Hebrew University**

Criminal Law – basic course (first year compulsory course, 1980- )  
Theories of Criminal Liability (advanced courses and seminars)  
Criminal Law Defences: Theory, Comparative Perspectives and International  
Criminal Law  
Legal Responses to Public and Political Corruption (seminar)  
Criminal Law in Times of Crisis  
Case notes (seminar devoted to teaching students how to write a critique of a judicial  
decision)  
Workshop in Criminal Law

### **Select Administrative Positions at the Hebrew University**

Student Disciplinary Tribunal (1982-1984, Chair from 1983 on)  
Student Disciplinary Appeals Committee (1999, Chair)  
Academic Disciplinary Prosecutor (2004-2006, 2011-2013)  
University Disciplinary Court for Sexual Harassment (2016, Member)  
Authority for Research Students in Humanities, Social Sciences and Law  
(1991-1999, Chair from 1996)

Sacher Institute for Legislative Research (Director) (2003-2004)  
Vice-Dean, Faculty of Law (1988-1990)  
Vice-Rector (2006-2009)  
Selection and Appointment Committee, Faculty of Law (2009-2017)

Hebrew University Committee for Academic Policy (Member, 2003-2004)  
Hebrew University Steering Committee (Senate representative, 2012-2015)  
Hebrew University Highest Promotions Committee (2012-2013)  
Hebrew University Professorial Promotions Committee (Member, 2016-2017)

**Public Activity**

1982-1992 The Association of Civil Rights in Israel (member of board)  
1987-1990 Law Program for Secondary School (originator)  
1990-1992 Israeli Police Force Disciplinary Tribunal (public representative)  
2008-2016 Military Appeals Tribunal (judge, voluntary reserve duty in I.D.F.)  
2016-2017 Council of Higher Education Evaluation Committee for LL. M.  
programs in various Colleges of Law (Chair)  
2017 Selection Committee for Sokolov Prize (in [Israeli](#) electronic  
journalism) (member)

## Miriam Gur-Arye - PUBLICATIONS

### Book

*ACTIO LIBERA IN CAUSA* IN CRIMINAL LAW, (Harry Sacher Institute, Hebrew University, Jerusalem 1984) 103 pp. (in English)

### Articles

1. Boundaries of Criminal Liability: Participation in Crime, reparatory Offences and Omissions - Book Review of *Core Concepts in Criminal Law and Criminal Justice, Anglo-German Dialogues*, forthcoming 53(3) *Isr. L. Rev* (2020),
2. Human Rights and Criminal Law: From Beccaria's *On Crimes and Punishments* to Modern Criminal Law, in e-Reading Beccaria (Antje du bois-Pedain and Shachar Eldar eds., Oxford: Hart Publishing), forthcoming (2020)
3. מה בין 'סינרגיה בין מוח לבין תנועות גוף' לבין כוונה, ומתי רצח אינו משקף 'דרגת אשמה חמורה במיוחד', *הסנגור*, 276, עמ' 4-11 (2020)
4. Social Solidarity and Sentencing Disparities between Ethnic Groups: The Case of Hit-and-Run Traffic Offenses (with Roni Factor) 17(1) JOURNAL OF EMPIRICAL LEGAL STUDIES 164–185, (March 2020) DOI:10.1111/jels.12245
5. Taking Internationalism Seriously: Why Criminal Law Matters? (with Alon Harel), Kevin Heller, Frédéric Mégret, Sarah Nouwen, Jens Ohlin, and Darryl Robinson eds, OXFORD HANDBOOK OF INTERNATIONAL CRIMINAL LAW, 215-237 (Jens David Ohlin, ed.,) (OUP. 2010)
6. Public Wrongs as a Violation of Human Rights, 18(1) JERUSALEM REVIEW OF LEGAL STUDIES, pp. 1–15 (2018)
7. The Legitimacy of Judicial Responses to Moral Panic: Perceived vs. Normative Legitimacy, 37(2) CRIMINAL JUSTICE ETHICS (2018)  
(to be viewed at <https://www.tandfonline.com/eprint/e8mFaBVATbFhjq8Sw3Tu/full> )
8. Human Dignity, Human Rights and the Criminal Law – The Israeli Perspective, in HUMAN DIGNITY AND CRIMINAL LAW, at 157-170 (Eric Hilgendorf & Mordechai Kremnitzer eds.,2018)
9. The Impact of Moral Panic on the criminal Justice System – Implications and Challenges" in JUSTICE IN THE LEGAL SYSTEM? CRIMINAL LAW AND CRIMINAL PROCEDURE IN ISRAEL: PROBLEMS AND CHALLNAGES, at 361-392 (Alon Hare ed., 2017) (Hebrew)

10. The Impact of Moral Panic on the Criminal Justice System – Hit-and-Run Traffic Offenses as a Case Study, 20(2) NEW CRIMINAL LAW REVIEW, 309-353 (2017)
11. [Encyclopedia](#) Entry: "Criminal Law" to be included in THE HEBREW ENCYCLOPEDIA (new edition on line) (Hebrew).
12. Moral Panic re Hit-and-Run Traffic Offenses – Israel 2002-2011, EDMOND LEVI FESTSCHRIFT (Ohad Gordon ed. 2017) (Hebrew)
13. "Conflict of Laws in Criminal Law: Duress under International Criminal Law as a Test Case", ESSAYS ON LAW IN HONOR OF AVIGDOR LEVONTIN, 477-498 (Celia Wasserstein Fassberg, Barak Medina, Joshua Weisman eds., 2013) (Hebrew)
14. Moral Panic and Political Corruption: The Expansion of the Criminal Offence of Breach of Public Trust over Disciplinary and Ethical Areas, 16 MISHPAT VE'ASAKIM (LAW AND BUSINESS) (2013) (Hebrew)
15. The Supreme Court's Rulings during 2010/11: A Tendency to Expand Criminal Liability or to Aggravate the Punishment, 7 HAIFA LAW REVIEW 59-92 (2013) (Hebrew)
16. Human Dignity of Offenders: a Limitation on Substantive Criminal Law, 6 JOURNAL OF CRIMINAL LAW AND PHILOSOPHY 187-205 (2012)
17. [On Gardner's Distinction between Justifications and Excuses](#), 4 JERUSALEM REVIEW OF LEGAL STUDIES, 82-92 (2012)
18. [A Special Defense for Protecting Home, Farm and Business Premises: Following the Dromi Case](#), (with Gallia Daor), 13 MISHPAT UMIMSHAL (HAIFA UNIVERSITY LAW AND GOVERNMENT REVIEW) 141-166, (2011) (Hebrew)
19. [Justifying the Distinction between Justifications and Power](#), 5 JOURNAL OF CRIMINAL LAW AND PHILOSOPHY, 293-313 (2011)
20. [The Protection of Human Dignity in Interrogations – Reflections in Light of Recent German and Israeli Experiences](#), (with Florian Jessberger) 44 ISR. L. REV., 229-262 (2011)
21. [Constitutional Control of Criminal Prohibitions Affecting Human Dignity or Liberty: German and Israeli Perspectives](#), (with Thomas Weigend) 44 ISR. L. REV., 63-90 (2011)
22. On Douglas Husak, *Overcriminalization*, 1 JERUSALEM REVIEW OF LEGAL STUDIES, 21-34 (2010)
23. The Importance of Distinguishing between Justifications and Excuses as an Interpretive Tool, TRENDS IN CRIMINAL LAW AFTER AMENDMENT 39 OF

- THE ISRAELI PENAL LAW 401-430 (Eli Lederman, Shai Lavi, Keren Ettinger eds., 2010) (Hebrew)
24. Criminal Liability in Cases of Conflict of Interests: When is it Justified?", in CONFLICT OF INTERESTS IN THE PUBLIC SPHERE: LAW, CULTURE, ETHICS, POLITICS, 545-568 (Daphne Barak-Erez, Doron Navot, Mordechai Kremnitzer, eds., 2009) (Hebrew)
  25. [The Impact of the Constitutional Revolution on Substantive Criminal Law](#), in THE JUDICIAL LEGACY OF AHARON BARAK, 325-349 (Celia Wasserstein Fassberg, Barak Medina, Eyal Zamir, eds., 2009) (Hebrew)
  26. [The Nature of Crime: A Synthesis. Following the Three Perspectives Offered in \*The Grammar of Criminal Law\*](#), 27(1) CRIMINAL JUSTICE ETHICS, 91-98 (2008)
  27. Can the War against Terror Justify the Use of Force in Interrogations - Reflections in Light of Israeli Experience, in TORTURE: A COLLECTION (S. Levinson ed., Oxford University Press, 2004)
  28. [Can Freedom of Expression Survive Social Trauma: The Israeli Experience](#), 13(1) DUKE JOURNAL OF COMPARATIVE AND INTERNATIONAL LAW 155-202 (2003)
  29. Is a Duty to Prevent Crime Justified?, 17 BAR-ILAN LAW STUDIES 355-401 (2002) (Hebrew)
  30. The Distinction between Preparatory Acts and Attempt, 32(3) MISHPATIM, 505-534 (2002) (Hebrew)
  31. [Reliance on a Lawyer's Mistaken Advice – Should it be an Excuse from Criminal Liability?](#), 29 AMERICAN JOURNAL OF CRIMINAL LAW, 455-480 (2002)
  32. Should Mistaken Advice be an Excuse?" 2 ALEI MISHPAT 33 (2002) (Hebrew)
  33. Complicity – Amendment no. 39 of the Penal Law in the Light of Judicial Decisions, in DIRECTIONS IN CRIMINAL LIABILITY: INQUIRES IN THE THEORY OF CRIMINAL LAW, 83-112 (Eli Lederman ed., 2001) (Hebrew)
  34. [A Failure to Prevent Crime – Should it be Criminal?](#), 20 (2) JOURNAL OF CRIMINAL JUSTICE ETHICS, 3-30 (2001)
  35. Breach of Public Trust – Should it be a Crime? , 8 PLILIM 253-271 (1999) (Hebrew) and an English version in *Working Paper No. 4, Jerusalem Criminal Justice Study Group*, (1999)

36. The Implications of Israel's New Basic Laws Concerning Human Rights for Criminal Law: Deviations from the Requirement of *Mens Rea*", 13 BAR-ILAN LAW STUDIES 129-138 (1996) (Hebrew)
37. "The Structure of Criminal Liability: Complicity", 30 ISR. L. REV. 146-153 (1996)
38. "The Israeli Penal Law (The Preliminary and General Parts), Draft Bill, 1992", 24 MISHPATIM 9-70 (1994) (Hebrew)
39. "Human Nature as Reflected in Law", 63 MAHASHAVOT 52-59 (1992) (Hebrew)
40. Should a Criminal Code Distinguish between Justification and Excuse?, 5 CANADIAN JOURNAL OF LAW AND JURISPRUDENCE, 215-235 (1992)
41. The Justification of Punishment – A Comment on Retribution and Deterrence, 25 ISR. L. REV. 452-459 (1991)
42. Forty Years of Criminal Law: Developments in Case Law re the Requirement of Fault", 24 ISR. L. REV. 560-579 (1990)
43. Modes of Commission of an Offence, 1 PLILIM 29-64 (1990) (Hebrew)
44. Complicity and Causation in ISSUES IN CONTEMPORARY LEGAL PHILOSOPHY, THE INFLUENCE OF H. L. HART, 304-310 (Oxford, 1987)
45. Should the Criminal Law Distinguish between Necessity as a Justification and Necessity as an Excuse?, 102 L. Q. REV. , 71-89 (1986)
46. Strict Liability ESSAYS IN HONOR OF JUSTICE SHIMON AGRANAT Should be Excluded from the Criminal Law, , 241-274 (1986) (Hebrew)
47. Placing Oneself in a Situation that Gives Rise to Self-Defense, 15 MISHPATIM 145-166 (1985) (Hebrew)
48. Book Review: S. Z. Feller, Elements of Criminal Law, vol. 1, 15 MISHPATIM 323-332 (1985) (Hebrew)
49. The Influence of Personal Characteristics which Aggravate or Mitigate the Offence on the Liability of the Participants, 19 ISR. L. REV. 253-284 (1984)
50. Committing an Offence by Another, in SUSSMAN FESTSCHRIFT 319-343 (1984), (Hebrew)
51. Penal Responsibility for Offences of Omission (with M. Kremnitzer), 55 Rev. INT. DE DROIT PENAL, 691-703 (1984)
52. Negligent Homicide, 12 MISHPATIM 257-289 (1982) (Hebrew)
53. Complicity and not Causation, Principal and not Accomplice, 11 MISHPATIM 518-527 (1981) (Hebrew)

54. The Impossibility to Commit a Crime and its Influence on Punishment for Attempt, 8 MISHPATIM, 310-326 (1977) (Hebrew)
55. Impersonation of a Non-Existing Person – Is it Impersonation or Fraud?, 5 MISHPATIM, 673-674 (1974) (Hebrew)
56. The Mental Element and Volition in Homicide, 5 MISHPATIM, 181-188 (1973) (Hebrew)