

OBITER

Journal of the Law Faculty at the
Hebrew University of Jerusalem

Issue #4 // September 2019

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"The surfer sitting behind their keyboard occupies a twilight zone between the private and public domains. The ability to remain anonymous allows them to express themselves in a way they wouldn't do in the real world."
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תכנית המנהלים לתואר מוסמך במשפטים LL.M.

**הפקולטה למשפטים
באוניברסיטה העברית בירושלים
מציעה תכנית יוקרתית לתואר מוסמך
לעורכי דין ומשפטנים בכירים.**

• שעות לימודים נוחות ויחס אישי

- הלימודים מתקיימים בימי ג' אחה"צ ובימי ו' בבוקר
- ניתן להשלים את הלימודים בתוך 3 סמסטרים
- ניתן להתחיל את הלימודים בכל סמסטר
- אווירת לימודים נעימה
- כיבוד קל

• תכנית לימודים ייחודית:

העמקה במכלול תחומי המשפט; קורסים בלעדיים לתלמידי התכנית.

• סגל אקדמי מוביל:

כלל המרצים בתכנית הם חברי הסגל האקדמי הבכיר של הפקולטה.

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עשרה קורסים, כל אחד בהיקף של 3 נקודות זכות ושתי עבודות סמינריות (בכל סמסטר יוצעו לתלמידים 4 קורסים).

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הפקולטה למשפטים
האוניברסיטה העברית בירושלים
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או בדף הפייסבוק שלנו:

תכנית מנהלים לתואר מוסמך במשפטים - האוניברסיטה העברית בירושלים

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רוצים ללמוד תואר שני במשפטים
יומיים בשבוע במשך שנה אחת בלבד?
או אולי יום בשבוע בשלושה סמסטרים וזהו?
אצלנו זה אפשרי!

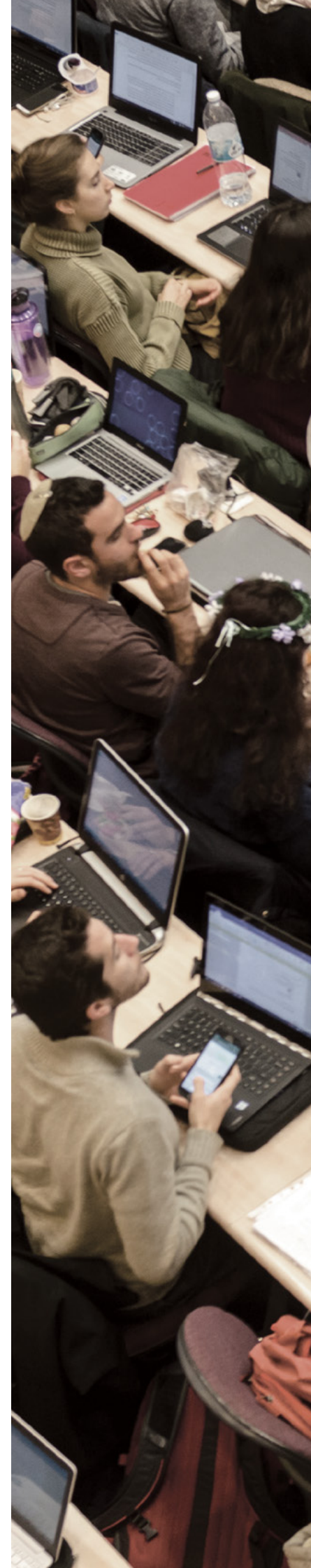
תואר שני בפקולטה למשפטים
של האוניברסיטה העברית

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From the Dean's Desk // Prof. Michael Karayanni



It is with great pleasure that I write this introduction. I am currently completing three years as dean of the Faculty. This has been a very intensive period. One area where I managed to move things forward and that I'm especially proud of is the way we let people know what's happening at the Faculty. Founding the Obiter journal is one example of this.

The Faculty is a lively hub of academic and social activities at all levels: advanced academic studies published in leading journals around the world; conferences and seminars hosting top-ranking researchers from Israel and abroad; and diverse student

activities: international competitions, legal writing, the editing of journals, participation in legal clinics, providing legal aid, social involvement (as in the Breira program), thought-provoking drama in the Law and Theater Workshop, student exchange programs, and joint celebration of Hanukkah, Christmas, and Ramadan.

I have always believed that a university in Israel is a kind of mosaic representing Israeli society. This synergy between research and society offers some hope for the divided and tense society in which we live. We can indeed live together – not perfectly, perhaps, but nevertheless we can engage in dialogue, get to know each other, take an interest, ask questions, chat, and gain a better understanding of those who are different from us. This is the leitmotiv that connects all the articles in this issue: presenting the Faculty as it is, with its dynamic academic and social life. I hope our life together, inside the Faculty and beyond, will become better.

Editorial Comment

We are excited to present the fourth issue of Obiter, the new journal of the Faculty of Law. Once again, we have tried to provide a taste of all the positive developments in the Faculty. This issue focuses on a clinic that fights discrimination and a program exploring online hate crimes. We also present a personal column by the director of a center that empowered ordinary citizens; a discussion with one of our alumni who studied here when the campus looked like a building site; and an in-

depth interview with outgoing Dean Prof. Michael Karayanni, who tells us about his childhood and how he came to serve as dean of the Faculty. We would like to thank Prof. Karayanni for his supervision, attention, and support since he initiated the relaunching of the Faculty journal. We also thank him for his impressive contribution to the Faculty itself, and wish him a productive and successful Sabbatical year. And to all of you – happy reading!

Legal Briefs

What's New at the Faculty?



Changing the Guard // 20 March

The Faculty Council chose Prof. Daphna Lewinsohn-Zamir as the next dean of the Faculty – the 26th since it was established. Prof. Lewinsohn-Zamir is considered one of the leading researchers in Israel and the world in the field of property law and planning and building law. She is the first woman to serve as dean of the Faculty – a long-overdue step. We wish her the best of luck in this important and challenging position!



Human Rights in Israel // 30 April

The Minerva Human Rights Center published a major report on the subject of the establishment of a state human rights institution in Israel. The report examines the situation in Israel relative to international standards, and recommends ways to encourage the creation of an effective and recognized human rights institution. The Center also launched a Hebrew-language database: "Human Rights in Israel according to International Human Rights Treaties." The database addresses eight key thematic areas and includes access to information sources, knowledge, and documents, including updated references to relevant legal changes in the human rights field.

Honorary Degree // 17 May

Ben Gurion University of the Negev awarded Prof. Prof. Ahmad Natour an honorary D.Phil. degree. The grounds for the award stated: "Prof. Natour has devoted his life to defending human rights and has left a mark on Shari'a case law in Israel. In his position as President of the Shari'a Appeals Court, he worked hard to advance the Muslim courts in Israel, introducing important modernizing reforms. This degree

honors his ongoing work to advance the status of children and women and his commitment to promoting mutual respect between all parts of Israeli society." This is Prof. Natour's second honorary degree, after he received his first last year from the Open University. Here's to many more to come!



Bachelor's Degree at the Institute of Criminology // 22 May

The Institute of Criminology has received final approval from the Council for Higher Education to award a bachelor's degree. The program presents the latest developments in the field of criminology and discusses a wide range of issues in the field, including delinquency, victimhood, law and society, the effectiveness of offender rehabilitation programs, white collar crime, incarceration systems, and so forth. Congratulations to the first class of students who will be completing their degrees this year, and to the Institute as it continues to develop!

Glam at the Prom // 10 June

The Student Union's annual Legal Prom was held on June 10th and was more glittering than ever, with an excellent show, nosh, magnets, a free bar, and dancing until the wee hours of the morning. You all looked fab!

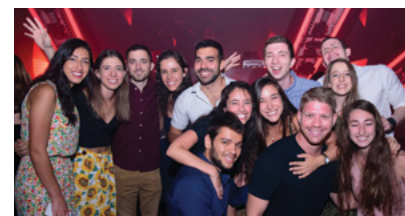


Photo: Dov Marten — Meir Panim Photography

Law and Theater // 22 May

The Law and Theater Workshop staged an original adaptation of Aeschylus's play The Eumenides. The play was performed at Beit Mazia Theater and at the HUJI Theater. The students' adaptation, which was billed The Eumenides / How I Killed My Mother, offered a fresh look at the subject of parricide in self-defense or in defense of another member of the family, exploring themes of guilt, loyalty, and love. The play was performed three times before packed halls, including relatives, fellow students, Faculty staff, teachers, and partners from the Cohen, Wilchek & Co. Law Firm, which sponsors the workshop. Well done!

Fifty Years of Mishpatim // 12 June

The legal journal Mishpatim celebrated its fiftieth birthday with an impressive event at Belgium House on the Edmond J. Safra Campus, attended by past and present members of the editorial board and senior jurists. The editorial team for issue fiftieth assumed responsibility for the event and did a wonderful job. We thank the current editors – Daniel Ben-Dor and Noa Zucker. Good luck to and best wishes for many years of research and activity.



Photo: Bruno Sharvit



Photo: Yam Triber

Changing the Guard

Over the past semester we bid farewell to two wonderful women who have given their heart and soul to the Faculty for many years. Hila Ganor has ended her period as head of Teaching and Students, while Ilana Levy leaves us after beginning to work at the University at the age of 16 (!) and advancing to her last position as Personnel Coordinator. Many past and present Faculty members and administrative staff came to a moving event honoring Hila and Ilana.

As already mentioned, Prof. Michael Karayanni has completed his term of office as dean of the Faculty – this issue of Obiter includes an in-depth interview marking his retirement. The Faculty also recently said goodbye to Deputy Dean Ayelet Erez, who is

taking on a challenging new position as head of the university's Student Administration Division. Thanks to you all for your enormous contribution to the Faculty, and best wishes in your future activities! We offer a warm welcome to Michal Naveh, who takes over as head of Teaching and Students, and to incoming Deputy Dean Dr. Efrat Maroz-Fine, who comes to us from the Inter-University Institute for Marine Sciences in Eilat. Good luck to you both!



Smashing Stereotypes

■ Coral Mel

The Clinic for the Study of Multiculturalism and Diversity combats discrimination and offers assistance for minority populations in Israel. Atty. Nisreen Alyan, the Clinic's instructor, discusses the difficulties and successes her work entails and the real changes the Clinic is making

Atty. Nisreen Alyan serves as the instructor at the Clinic for Study of Multiculturalism and Diversity, which operates under the auspices of HUJI's Clinical Legal Education Center. Perhaps surprisingly, she began her academic career by studying for a BA in Communications at the Open University. After beginning to work in this field, she realized that it wasn't for her and changed direction. She completed her LL.B. degree at Ramat Gan College of Business and Law and then completed a master's at Tel Aviv University in cooperation with Northwestern University,

Chicago. Despite these journeys, Nisreen explains that she never really left Jerusalem. "I was born and raised in Beit Safafa," she says, referring to the Arab village that has long since become a Jerusalem neighborhood. "I'm an eleventh-generation Jerusalemite, and now I'm married and have a little boy aged 16 months."

How did you come to head the Clinic?

"I worked at the Association for Civil Rights in Israel for ten years as a project coordinator, focusing

It is important to fight racism openly.

Atty. Nisreen Alyan

Photo: Racheli Riff



mainly on East Jerusalem. I also had some involvement in issues relating to the rights of Palestinians in Israel. Three years ago, the Clinic for the Representation of Marginalized Populations established a new project in East Jerusalem. They got in contact and we started to work together on the project. Then I received an offer to join the Clinic for Study of Multiculturalism and Diversity.”

What does the tagline Clinic for Study of Multiculturalism and Diversity actually mean?

“The Clinic was established with the aim of expanding legal action in support of various populations in Israel. Israel is home to a microcosm of diverse population types, and unfortunately these groups often face discrimination. The Clinic’s goal is to help these populations to cope with the various difficulties they face, and in particular with discrimination, while at the same time exposing students in general to these groups. Students are exposed to the challenges and difficulties that face the groups we represent in a way that certainly have not encountered previously, at least not directly.”

Problems in the Plan for Immigrants of Ethiopian Origin

Alyan explains that the Clinic represents individuals, but also goes beyond this level. Alongside its unusual work representing individual members of diverse population groups that face discrimination in Israel, the Clinic also seeks to encourage policies and actions that will secure change and improvement for these populations.

“At the beginning of the year each pair of students is given two

cases to represent, one involving individuals and one broad project in the field of policy advocacy. Of course everything is very dynamic – cases are opened and closed over the year, and sometimes new issues emerge due to government decisions or public scandals. We monitor developments very closely.

“When a new case arrives, I explain the background to the students who are assigned to it and send them off to do some research. The work varies from case to case, but in principle we meet weekly for a brainstorming session to discuss the best way to handle the case. Then we write the letter or petition, and sometimes students come with us to court. It’s an eye-opening experience for them.”

Over the past year, many of the cases handled by the Clinic related to the plan formulated by the State President and former Justice Minister Shaked to grant pardons to individuals from the Ethiopian immigrant community.

“That’s right. The plan reflected an understanding that the Ethiopian community faces over-criminalization. We decided to open a hotline and we received complaints by telephone, email, and through the Facebook page of the Clinical Legal Education Center. We examined each case on its own merits, met with the people involved, obtained their criminal records, and decided whether or not it would be appropriate to request a pardon.

“During the course of our work, we realized that some of the cases involved people whose investigation files had been closed by the police and never came before the courts. These individuals were not included in the plan and could not

“The Ashkenazi Haredi school wouldn’t accept a Sephardi girl. As an amicus curiae, we persuaded the Ministry of Education to change its position and withdraw its support for discrimination. In the end the school accepted the girl.”

be pardoned, but they still had a criminal record. Accordingly, we began to work with the police to request changes to the grounds for closure according to the investigative material in each case, and to request the deletion of the record. As we kept on working, we gradually discovered other problems with the plan.

“The media contacted us to ask why we weren’t submitting requests for pardons. We answered the questions and explained why the good intentions had not led to any real improvement. Following the media reports, the legal advisor to the State President contacted us. We had a long conversation and she offered to organize a round table to bring together everyone involved in the issue. The meeting was attended by clinics from around Israel, together with the Public Defender’s Office and representatives from the Ministry of Justice. The goal was to identify ways to move the process forward and overcome the obstacles. Proposals for improvements raised at the meeting are currently under consideration.”

Other cases the Clinic has processed relate to linguistic access for Arabic speakers. “We worked to add Arabic-language signs at Hadassah Mt. Scopus Hospital and to include Arabic access for the activation of biometric identity cards. We found



The Ministry of Education changed its position. Atty. Alyan, Atty. Yoav Lalom, and members of the Clinic after a court hearing

out that after applicants receive a biometric identity card, they receive a message on their smartphone asking them to complete several simple actions in order to validate the card. However, the message was only sent in Hebrew. Residents of East Jerusalem who couldn’t understand the instructions were unable to validate their card and therefore could not access all their rights. At Ofek Prison, the only prison in Israel for minor boys, we found that most of the rehabilitation programs are only available in Hebrew and most of the social workers only speak Hebrew, despite the fact that over half the boys are Arabs or from Ethiopian immigrant families. We are working to change this situation.”

Making a Difference

Have there been any particularly challenging cases?

“Of course. One case involved a girl with special needs who lives in the Sur Baher neighborhood of East Jerusalem. At the beginning of the year, she had to spend over

two and a half hours on the school bus in each direction. She arrived at school exhausted and her condition began to deteriorate. After we contacted the Ministry of Education and the Jerusalem Municipality, the authorities suddenly decided that the road to the girl’s home was a dangerous dirt track, and accordingly the decided to stop her transportation service immediately.

“We continued to correspond with the Legal Department and with senior figures in the Municipality, and we also got the media interested. As a result, the Education Department and the Transportation Division visited the site with a representative from the Mayor’s Office. After the visit, they decided to resume the transportation service to the girl’s door. But the story didn’t end there. The Clinic decided to continue to represent the girl and to tackle the problem of the dirt road. We contacted the City Engineer’s Office and asked them to pave a proper road. We’re still waiting for an

answer on that, but we’re used to this here at the Clinic. Our work involves a lot of ‘ping pong’ communication with government ministries, and a huge amount of waiting. But despite it all, we also have some impressive success stories.”

Tell us about one of the success stories

“This year, we had a case involving Haredi girls of Sephardi origin who wanted to study at Ashkenazi schools in the Haredi sector. The case’s details are confidential, but basically the Ashkenazi school refused to accept Sephardi girls. We didn’t represent the girl herself, but we joined the case as an amicus curiae and offered our professional opinion on the matter. I’m glad to say that thanks to the opinion we submitted, and the legal arguments we raised, the Ministry of Education changed its position and withdrew its support for the discrimination. The bottom line is that the girl was admitted to the school.”

Couldn’t you have used the

Emanuel Supreme Court case as a precedent on this issue?

“Unfortunately not. The legal argument in this particular case was based on the principle of ‘educational continuum.’ The Ministry of Education argued that according to the usual educational continuum, if girls begin to study in a Sephardi framework, it doesn’t make sense to allow them to break the continuum and switch to an Ashkenazi framework. The well-known Emanuel case involved a different legal argument, since in that case the claim was that the school was imposing total segregation between Ashkenazi and Sephardi girls, including a fence and a different school constitution. But of course we quoted some of the principled comments from the Emanuel petition relating to discrimination in Haredi education.”

That’s exciting – you really managed to change things for that girl

“Definitely. But what’s even more exciting is that we later received a similar complaint from another part of Israel. Thanks to our success in the first case, and the media coverage we received, we wrote to the school and they immediately changed their position and accepted the student. We didn’t even have to take it to court.”

Education is the Foundation

What is your opinion of the issue of multiculturalism and diversity in Israeli society today?

“We have amazing potential, but Israeli society doesn’t find it too easy to accept the other or people who are different, if they aren’t part of the Israeli mainstream. That makes things really hard for various groups. We tend to rely on stereotypes, and

one of my goals here at the Clinic is to smash those stereotypes. I don’t deny my own identity, and we’re very open here to talking about everything. We have a wide range of opinions here and we all respect each other. That kind of discourse is the most fruitful and helps us all learn the most – and it’s also the most interesting.”

As part of the effort to smash stereotypes, the students at the Clinic combat discrimination and racism and take on cases they might not have chosen for themselves. “The students don’t always take things for granted. They ask tough questions, but legitimate ones. All the students, without exception, showed a willingness to encounter new subjects and undertake constant challenges.”

That’s wonderful. But university seems like a rather late stage to start to expose young people to the different populations that live in Israel, isn’t it?

“In a way that’s true. I believe that the real way to fight racism is through education from birth. Racism has

different faces, but the foundation is education. How you look at someone who doesn’t come from your own natural environment. We grow up in specific settings here and we don’t encounter or mix with the different populations. There’s a kind of separation in Israel. We can only really accept the other if from a young age we meet people who are different to us, with different ways of thinking, and who are growing up in different environments.

“Today it is important to fight racism openly. Our Clinic, as well as the University’s Center for Study of Multiculturalism and Diversity, try to build connections between different populations, and we’ve certainly had some successes. We meet on various occasions to shake up the way we look at things, and it definitely works. But this needs to start at a younger age.”

Have you encountered manifestations of racism in your own life? Was that part of the reason why you became an activist attorney in the social field?

“I wanted to move into the world

of law because I believed that this is a tool that can secure social change and have a broad impact on people’s lives. I began my studies after a series of interesting and powerful Supreme Court rulings in the human rights field. At one stage I worked in the Knesset, and

that strengthened my recognition that parliamentary action isn’t managing to secure change, particularly in Palestinian society. I realized that the alternative is the court – maybe that’s where our hope lies.

“There isn’t a single Arab in this

country who hasn’t experienced discrimination or racism. And I’m from East Jerusalem – so I’m both a Palestinian and an Arab living in Israel. I was particularly annoyed by some things that happened, so as an attorney I’m working to try and change things.”

"A chance to meet interesting and different people"

We asked **Dana Ish Horowitz**, a second-year student who is active at the Clinic, to share some of her experiences with us.

Why did you choose to volunteer in this particular clinic?

“First, I was really curious about the name of the Clinic. The idea of working at a diverse clinic that helps many different types of people appealed to me, and its name implied that this would be the case. Apart from that, the Clinic deals with a wide range of cases involving discrimination against different population groups in Israel. From my first year, when we studied constitutional law, I began to be interested in dealing with various constitutional issues, and I felt that this Clinic could help expose me to this world.”

Nisreen told us about some cases that are success stories. Can you give an example of a challenging case that the Clinic wasn’t able to solve in the end?

“Unfortunately I can. One of our cases involved an application for family unification. The case involved a gay couple, one of whom was an Israeli citizen while his partner was a Russian citizen. The couple encountered endless problems with the Population Authority when they tried to live together in Israel. Right from the start, the Authority demanded a very high financial guarantee in return for even starting the process of approving the application, and the couple’s financial situation made this impossible. The process was long and complicated. We filed an application, and later an appeal, and it took the Interior Ministry six months to get back to us. In the meantime, the Russian partner’s tourist visa expired and he had to leave the country. We didn’t give up, and even when the Interior Ministry insisted that we submit the whole application over again from the start, we dealt with it all. But following the demand for a heavy financial guarantee, the couple’s relationship began to turn sour and they decided to break up. So unfortunately, in this case, we weren’t able to help.”

What do you like best about your work at the Clinic?

“I really enjoy our weekly meetings for the Clinic lessons. We host lecturers, each of whom offer a different angle on a different population group. The meetings give us a chance to meet interesting and different people who are active in many different fields in the area of multiculturalism and to hear about their work. For example, I was really interested by our session with **Nina Halevy**, a transgender woman who works hard to help empower the transgender community and promote its rights and wellbeing.” ■



Photo: Rachel Riff

Israeli society doesn’t find it too easy to accept the other. Atty. Nisreen Alyan

Here, We're All on the Same Bench

■ Aharon Simpson Grossman,
Coral Mel and Racheli Riff

The route that led Prof. Michael Karayanni to the position of dean of the Law Faculty passed through a childhood in Kafr Yassif, a temporary departure for the United States, and an impressive academic career. Just before he ends his term of office, Prof. Karayanni took time to sum up three years in which he tried to make the Faculty an inclusive place for the diverse populations it serves. He also offers some insights into the future of the legal profession in Israel

Vassiliki Karayanni is a Greek opera singer whose work is showcased in many YouTube clips. It emerges that “Karayanni” is the name of a Greek village. **Professor Michael Karayanni** wants to prove to us that this is a common surname in this region. He types in the singer’s name and her voice echoes around the dean’s office in the Faculty, where we are sitting. “My father’s family came from Greece. I’m the fifth generation to be born in this country,” he explains, as we listen to

the music playing in the background. This year, Prof. Karayanni is completing his period of office as dean of HUJI’s Faculty of Law – a position he has filled for the past three years. We suggest that we begin our interview with a kind of journey through time, going back to where it all began – the village of Kafr Yassif, where Prof. Karayanni was born and raised.

Tell us a little about the village. What was it like growing up there?

“In Neve Shalom you learn to love and hate people regardless of religion, race, nationality, or sex.”
Prof. Michael Karayanni

Photo: Racheli Riff

"My childhood was very rich in spiritual terms, but not materially. We lived in a very modest two-room house. But in educational and spiritual terms it was a very rich experience. It was clear to me and my two sisters that we must gain an education, because education is the path to success."

An American Culture Shock

When he was in the fourth grade, the Karayanni family left the village and went to live in Florida. His father, who was a lecturer in education at the University of Haifa, received a scholarship to continue his studies there. "As a family from a little village who went to the swimming pool once or twice a year, we suddenly found ourselves in lively Florida," he recalls with a smile. "We spent three years there, and it was a real culture shock. I'd lived in a home that didn't have a television, let alone internet, and suddenly I found myself in a place with a new culture and language. This was an unusual and challenging experience that helped me cope with many other challenges I'd face later in life."

Naturally, the young Karayanni made most of his friends among the foreign students. "There were students from all over the world at the school, and it was easier for me to relate to them, since we were all in the same boat."



"I enjoy reading Amos Oz and A.B. Yehoshua." Prof. Karayanni

"After I was appointed lecturer I didn't fear of discrimination, but still I always felt that I had to prove myself and work hard. I had the opposite concern — that I might receive things just because I'm an Arab. So I always wanted to prove my abilities."

With them I didn't feel embarrassed about my poor English, because they all spoke imperfect English."

Even after the family returned to Israel, Prof. Karayanni faced some language difficulties, this time from the opposite direction. "If you don't practice literary Arabic all the time, then a big gap quickly develops relative to the standard required at schools in Israel. When I came back to Israel in seventh grade, my friends were five levels above me. Once again I had to struggle and work hard. I realized that I wasn't one of the best students, but if I worked hard and took things one step at a time, in the end I could get there."

How did you end up in the legal field?

"The choice of a particular field depends largely on the individual's personality. I feel comfortable with philosophical and abstract thought, but at the same time I always looked for a practical dimension. Law is a field that is close to humans and to human nature, and I found that it combined theory and abstract aspects with practical and hands-on ones. That appealed to me."

Prof. Karayanni began to study mathematics, but soon realized that it wasn't the right field for him. He began to study law at Bar Ilan University. Shortly before he was admitted to the bar, he realized that what he really wanted was an

academic career. "I worked as an attorney for eight months. I had a tendency to write long summations and arguments, and I found myself connecting mainly to the theory behind the practical work." He then studied for a master's degree at George Washington University, before studying for his PhD at HUJI and immediately returning to the United States to complete a second doctoral degree.

How did you find the experience of studying in the United States?

"It's a very different kind of experience. The general atmosphere is one of commitment to studies, and the students are expected to feel that they are privileged to be able to study and should do everything possible to succeed. For example, students at the University of Pennsylvania sign a contract that forbids them to work during their studies, at least in the first year, despite the high tuition fees. The rationale is that you need to prove that you're worthy of the opportunity that the university has chosen to give you, above thousands of other students."

"When I served as a guest lecturer in international private law at Stanford, I wanted to check the date of the course exam. The office there told me that they set a two-week period, and within that each student chose when to take the exam. I immediately asked whether the students didn't tell each other the questions. The secretary explained that the students have signed an honor code and stick to it. But when it comes to the lecturer-student relationship, it's too conformist over there."

"The lecturer is seen as a kind of god, very remote from the student. Here things get lively in class, the students ask challenging questions that I wouldn't hear abroad. On the other



With members of the administrative team

hand, there are also some problems with the students' attitudes in Israel. Why do I have to work so hard to get the students to read the material before class?"

Even students who haven't taken Prof. Karayanni's class in civil law have surely heard of his famous "reading list." Prior to each lesson, reading material is announced, and the students are asked to sign up for a list. Prof. Karayanni then asks random students during the lesson to explain some aspect. "When a student told me that he hadn't read the list, that bothered me. I don't like playing cat-and-mouse games. I want to rely on the student and I want them to feel that it's a privilege to be here. It's isn't easy, but I'll keep on trying to get that feeling across."

Under one Roof

How would you sum up your time as dean?

"First, I'm proud that the Faculty's status today is second to none. For the most part, our entry threshold ensures that the human material we receive here is at a very high standard. If we take this raw material and polish and train it, there is a good chance that it will secure some amazing successes."

"No-one enters the academic world with the goal of becoming a dean — you come to research and develop. But at a certain point in your academic career, management

positions also come your way. This position was challenging, but it's a place that allows you to influence what happens at the Faculty. I set myself the goal of encouraging research and research activities, and of making the Faculty an inclusive place."

How is that done?

"We see the Faculty as a meeting place where we exchange views and undergo formative and personality-building experiences. Everyone is on the same bench here; everyone is equal. The human diversity here is unique by comparison to other faculties: Jews and Arabs, secular and religious of all shades, periphery and center. In the context of Israeli reality, that's a unique experience. Everyone comes under one roof here, so we might as well make something of it. We need to encourage an atmosphere of open discourse that includes everyone. After our studies, most of us will move off elsewhere and lead separate and private lives. Here we have an opportunity, as part of the extensive study experience, to get to know each other and to create links that it's difficult to maintain outside university."

In this context, Prof. Karayanni explains that during his period of office he focused on efforts to increase the proportion of students at the Faculty from three population

groups. "The first group is the Arab population. I realized that in recent years, the proportion of Arab students has been lower than it was in the past. After examining the issue, it emerged that among students who are suited to the Faculty in terms of their achievements, there is trend to prefer other professions, particularly in the fields of engineering and computer science. When I studied law, the proportion of Arab students at the Technion was just four percent. Today it is over 20 percent. This change reflects the broader employment opportunities available today for outstanding students from Arab society. Like everyone else, Arab students are alarmed at the saturated market of attorneys, and prefer to invest their time elsewhere."

"The solution is to change the concept and show that if they come here and excel, they will still have access to prestigious employment options. In addition, in order to help them, we introduced an intensive one-week course before the academic year begins to improve their knowledge of Hebrew. Some of the Arabic-speaking students are unfamiliar with Hebrew legal terminology and they have to deal with everything at once. Every student has to cope with new terms, such as 'good faith' or 'conclusion,' but sometimes for Arab students the encounter is particularly alienating. The goal of the course is to help bridge this gap."

A second population group are students of Ethiopian origin. "During the course of my work I met with representatives from the organization Tabka, who claimed that the psychometric examination is particularly difficult for students of Ethiopian origin. I can't eliminate the demand for candidates to take the examination, but I did manage to change the weighting in the

admission process. Instead of a process where the psychometric examination was weighted at 70% and the matriculation results at 30%, we now grant equal weight to each score. This makes the process easier for Ethiopian students.

"The third population group are Haredi Jews. This population sometimes encounters problems with the Matriculation certificate, but the most challenging issue is the cultural barrier between these candidates and the experience of university study. When it comes to gender, I do not believe that we can allow segregated studies, but there are other ways to help Haredi students integrate here. For example, we are currently considering opening a preparatory course for Haredi women students during the first semester of the first year, so that they will begin their actual degree course in the second semester."

A More Enriching Experience

Apart from enhancing human diversity, did you set yourself any other goals when you entered the position?

"The legal profession today is very different from how it was 20 or 30 years ago, when there were only a few law faculties and the profession was considered very prestigious. There was less completion then. It's still a prestigious occupation, but we have to admit that its image has been tarnished a bit and the competition has become much fiercer. Thousands of students complete their academic training each year and enter the profession. Every law firm only has a certain number of positions, and there are dozens, if not hundreds, of candidates for each one. In this challenging reality, the question is how I can ensure that students who come to our Faculty will still be the best, so that at the end of the track

our graduates will reach the best positions possible given changing circumstances?

Prof. Karayanni acknowledges that the number of students registering for law studies has fallen due to the saturated market. The solution, he suggests, is "to set a threshold for admission so that only the best candidates come, but to make sure that they do actually come to our Faculty.

"In academic terms, competition between different institutions is a good thing. The fact that students have so many choices makes academic institutions do their best to provide a more enriching experience. In our case, the process began when we defined a much larger number of courses as elective. Then we began to encourage combined degrees with other faculties, such as the new joint program in law, philosophy, and economics, which entails a combination not with one but with two other departments. Other changes include the network of clinics, international competitions, and extracurricular activities, such as the 'Street Law' program or the Breira Center. Something else we're proud of is our placement project. Law firms come here, instead of the student running from one firm to the next. This framework is proof that our students are in high demand."

What is your position concerning the low pass rates in the Israel Bar examinations in recent years?

"We need to let people study and join the profession, but we also have to remember that this is a profession that has ramifications for this parties. Just as in medicine we are responsible for the students we train, so too in law. From another perspective, the standard of the attorney who appears before the authorities has an impact on the quality of the judicial decision. The better the human material, the



At a ceremony to light the Christmas tree

more the system will work properly. "Since the profession wasn't meeting the necessary standard, the Israel Bar tried to help by introducing stricter entry examinations. But they may have gone too far. Even as an expert in the field, I sometimes find it hard to answer some questions that have appeared in the examinations in recent years. It may be that the time has come to convene a public committee to try to formulate the best solution for ensuring the future of the legal profession in Israel. You don't have to be an expert in economics to realize that the kind of competition we are seeing now will lead to a race to the lowest common denominator."

About Being Us

The path that took **Prof. Karayanni** to the position of dean of the Faculty (the first Arab to serve in this position) was neither simple nor obvious. "Naturally, my experience is different from that of someone who grew up as part of the majority group. My school had limited means – at high school, for example, there were only two or three study tracks on offer. I also had some unpleasant experiences. In the past, every time I went to the airport I was treated like a suspect. First they'd take me for regular questioning, because my name doesn't necessarily give away my national identity. But as soon as I mentioned the names of my father

"Even I sometimes find it hard to answer some questions that have appeared in the examinations in recent years. It may be that the time has come to convene a public committee to try to formulate the best solution for ensuring the future of the legal profession in Israel."

and my children, the questioning ended and the examination shifted gear. Suddenly I had to explain why I was traveling, and what my role was in any particular conference. Sometimes they even inspected my suitcases. It also felt like a personal offense to me as a human.

"In the academic world too, as a student, I sometimes experienced a sense of being different. Arab students aren't always part of the discourse. One of the first articles I wrote was entitled 'About Being Us.' I discussed the experience of being an Arab lecturer in a course on civil law, talking about 'our' regulations, and later wondering whether the flag, the anthem, or the state itself are 'ours.' What does the word 'ours' mean? What's my place here? At the airport I undergo an inspection like a migrant worker – and then at Frankfurt airport they welcome me by saying Shalom when they see my Israeli passport. So my own country considers me a foreigner, while foreign countries see me as Israeli. "After I was appointed lecturer I wasn't afraid of discrimination, but still I always felt that I had to prove myself and work hard. I had the opposite concern – that I might get things just because I'm an Arab. So I always wanted to prove my abilities."

Karyani wanted to present his children with a different reality, and accordingly he decided to move

with his family to Neve Shalom, a community outside Jerusalem where Arabs and Jews live together. "In Neve Shalom you learn to love and hate people regardless of religion, race, nationality, or sex," he says, smiling. From an early stage the Karayannis decided to place their children in mixed educational frameworks, and they were among the founders of the Hand-in-Hand bilingual school in Jerusalem.

Can you think of an experience during your time as dean that you found particularly moving?

"Sometimes I had to use the powers available to me to help students who were facing economic difficulties make progress and succeed. This year, I signed the graduation certificate of one student who probably wouldn't have completed his studies if I hadn't intervened. Of all the things I was involved in as dean, whether it was building another floor in the Cheshin Center or renovating the Faculty courtyard, the most moving moments were when I signed the graduation certificates of students whom I'd managed to help."

Next year, Prof. Karayanni will be spending his Sabbatical leave at the Institute for advanced Studies in Berlin. "I've been trying to finish writing a book for two years now, and over the next year I hope to finally get it done. The book discusses multiculturalism and religious minorities in Israel, as a test case to be compared with other nation-states. The idea began with a question I've thought about a lot: Why are issues of religion and state in Israel regarded as primarily the preserve of the Jewish population, whereas in other countries these questions also pay considerable attention to minority groups? In the book I'll present my theory on the subject, and I'll try to explain the ramifications of this phenomenon for various processes

that are taking place in Israel."

Just before we end our chat, can you tell us something interesting about yourself that no-one knows?

"I could say swimming, but actually every now and then I meet a student while I'm swimming. Maybe the fact that wherever I go around the world, I like to go into courts and watch a trial taking place. Just from watching the proceedings you can learn a lot about the local culture. I also enjoy reading the works of **Amos Oz** and **A.B. Yehoshua**."

What would you like to wish the incoming dean?

"I think that anyone who finds themselves in this position has to stop getting too excited about what people say. This is a position that demands a calm response to problems that emerge. That's why I am delighted that **Prof. Lewinsohn-Zamir** has been chosen for the position. She is not only a gifted and valued researcher, but she also has the right qualities and is capable of addressing challenges patiently."

In conclusion, Prof. Karyani chooses to address the students directly. "I would like to thank the students I taught, particularly over the years when I served as dean. It wasn't easy to carry on teaching during such a busy period. Maybe sometimes, under pressure, I wasn't always as patient as I should have been. If I ever offended any student, I apologize sincerely for this." ■



The children study in mixed Arab-Jewish frameworks. The Karayanni family

Memes of Hate

■ Aharon Simpson Grossman

The use of social networks to commit hate crimes is increasing. This is one of the range of issues being discussed by the Cyber Law Program at the Federmann Cyber Security Center, which is playing an important role in shaping policy relating to cyberspace

On the seventh day of Passover this year, **John Earnest**, 19, of San Diego burst into the Chabad synagogue in the city and opened fire, injuring three worshippers and killing one, Lori Gilbert-Kaye. The attack was the latest in a series of hate crimes documented online. A few hours before he opened fire, the murderer wrote:

"Why are you doing this? Surely killing a fraction of Jews will not solve any problems. Are there not better ways to save the European race? [...] I do not seek fame. I do not seek power. I only wish to inspire others and be a soldier

that has the honor and privilege of defending his race in its greatest hour of need [...] Spread this letter, make memes [...] FIGHT BACK."

In October 2018, **Robert Bowers** carried out a murderous attack at a synagogue in Pittsburgh. Like Earnest, he also published on an online manifesto declaring his intentions. These attacks are examples of the horrifying use of social networks as weapons in hate crime. They are merely one symptom of the broader phenomenon of hate crime in general, and online hate crime in particular.

Prof. Yuval Shany:

"The algorithms that determine the type of content surfers will encounter operate in a manner that prioritizes opinions similar to those of each surfer. This creates echo chambers that allow extremists to feel that they enjoy a support group and create the illusion that the general public considers their opinions legitimate."

**Dark Messages**

Prof. Yuval Shany, former Dean of the Faculty, is an expert on international public law and served as chairperson of the United Nations Human Rights Committee. Prof. Shany now heads the Cyber Law Program at the Federmann Cyber Security Center. He is not surprised by the surge in hate crime in the age of the internet.

"There has always been hate speech. But the development of social networks as platforms for self-expression created something called the Online Disinhibition Effect. The person sitting by their keyboard occupies as kind of twilight zone between the private and public domains. Their ability to remain anonymous allows them to express themselves in a way they would never do in the real world. These platforms are highly volatile and have the capacity to spread rapidly, and this makes them ideal media for disseminating very dark messages. The algorithms that determine the type of content surfers will encounter operate in a manner that prioritizes opinions similar to those of each surfer. This creates echo chambers

that allow extremists to feel that they enjoy a support group and create the illusion that the general public considers their opinions legitimate."

How can we confront this phenomenon? After all, in the attacks linked to social media, the perpetrators had been banned from the large, familiar platforms and were forced to use relatively esoteric websites remote from public view.

"The legislator has to address this problem. There have always been questions regarding the efficiency of the regulation of dangerous expressions. The concern is that such actions may merely serve to push these views into hidden corners away from public view, where they can flourish in the darkness. It's certainly important to choose our responses carefully. But the current situation, where hate speech is present even on the mainstream platforms, demands action. For example, the major social networks could be required to develop algorithms that restrict the viral capacity of extremist messages."

The regulation of content in the social media is one of many issues that are studied at the Federmann Cyber

Security Center. Indeed, the Center is now playing an important role in shaping official policy on a range of issues relating to cyberspace.

"Legal research in the cyber field seeks to distill insights on the basis of past and present processes, in order to help the authorities implement successful policies for coping with a changing reality at any given point in time," Shany explains. "Although this field is dominated by private companies, we believe that the authorities have an important role to play in shaping and enforcing policy. When it comes to the actual formulation of policy, academic research can make an important contribution. It offers creative and out-of-the-box thinking based on diverse knowledge and the conceptualization and abstraction of practical problems. This explains why the government has invested resources in the development of the Center, recognizing the important role it is playing in coping with tomorrow's challenges."

A Honeypot for Hackers

The Federmann Cyber Security Center brings together some 40 researchers from the social sciences

and precise sciences, including legal experts and researchers in computer science. This blend reflects an awareness that research in the cyber field demands an interdisciplinary understanding. The Center's activities include programs for young researchers, doctoral, and post-doctoral students; the Clinic on Digital Rights and Human Rights in Cyberspace; and conferences and events attended by international experts in the field.

Dr. Tamar Berenblum is the Research Director of the Center's Cyber Law Program. Her doctorate is in the field of criminology, and she was one of the pioneers of criminological research on cyber crimes in Israel. "When I began to work on my doctoral thesis," she recalls, "the supervisors I turned to were very skeptical regarding the need to address the field of cyber crime. Despite methodological difficulties and the lack of written material in the field, I'm glad to say that I managed to complete my thesis, which examined social regulation on the internet."

Dr. Berenblum began her work at the Center in an unusual way. While she was on vacation in New Zealand she heard about the position. The same

day, perched on one of the beautiful mountain peaks of this far-off land, she went online for her job interview with Prof. Shany. Berenblum wears several hats simultaneously in her work at the Center. As a researcher, she participates in several groups exploring different issues, from the involvement of young people in online violence, through e-shaming, and on to ways to deter hackers. Her second hat is that of research director, in which capacity she is responsible for the diverse research activities at the Center. A third hat, which she refers to as her "activist" side, involves efforts to enhance access to the academic knowledge developed at the Center for the general public, in response to the problems that emerge from the field.

Dr. Berenblum agrees with Prof. Shany's analysis, and adds: "Cooperation with the authorities and with commercial bodies such as Facebook and Google is vital. The major companies have databases on online activities, but their ability to undertake academic research and to analyze the information is limited. Conversely, the researchers at the Center have the ability to analyze this information and to extract academic insights and even practical

recommendations. We can only reach meaningful conclusions in this field if we cooperate. The researchers here at the Center are very pro-active and are able to transfer knowledge between different fields and connect the world of law and criminology with the technological world. It's impossible to examine social phenomena in cyberspace without such combinations."

As part of their research into online crime, the researchers at the Center are interested in examining the extent to which criminological theories are relevant in cyberspace. An example of this is the theory of deterrence. According to this theory, one of the ways to prevent criminality is to create deterrents against criminal behavior. "A classic example from everyday life are the road signs declaring that a particular area is subject to heightened enforcement," Berenblum explains. "We know that such signs influence drivers, at least temporarily, and they obey the law while driving in these areas. The cyberspace equivalent of this are 'banners.' Research shows that the presence of banners warning of the consequences of criminal activity influence hackers' behavior."

How are you examining this theory through research?

"The research team planted 'honeypots' or traps. When a hacker broke into these traps, we activated a banner emphasizing the criminal consequences of their actions. The banners had a clear impact on the hackers' behavior. This finding is particularly important in the case of human hackers, as opposed to bots."

This study illustrates the potential for researching criminal behavior online. Is it also possible to examine the conduct of online victims?



The Clinic represented the Ale Yarak party, successfully removing the block imposed on its spokesperson by Facebook. Screenshot from an interview on Ynet Studio

"We ran an experiment where users were asked to install an application and were then asked to allow access to broad areas of information on their devices, including extremely personal details, such as their surfing history and contacts. Most of them didn't hesitate and allowed the application full access to their personal details."

"Absolutely. The Center conducted an experiment. We asked students to install a certain application, using the excuse that the application was designed to test the subjects' cognitive level. During the experiment, in the transition between the various tests, the participants were asked to allow access to broad areas of information on their devices, including extremely personal details, such as their surfing history and contacts. Most of them didn't hesitate and allowed the application full access to their personal details. A repeat

experiment among the general population produced similar results."

Dr. Berenblum takes the issues of precision and caution very seriously when it comes to the Center's studies. "Needless to say, all the empirical studies conducted at the Center involving human participants are subject to strict inspection by the University's Ethics Committee, due to their highly sensitive nature. Every tiny detail undergoes a rigorous approval process."

Ale Yarok versus Facebook

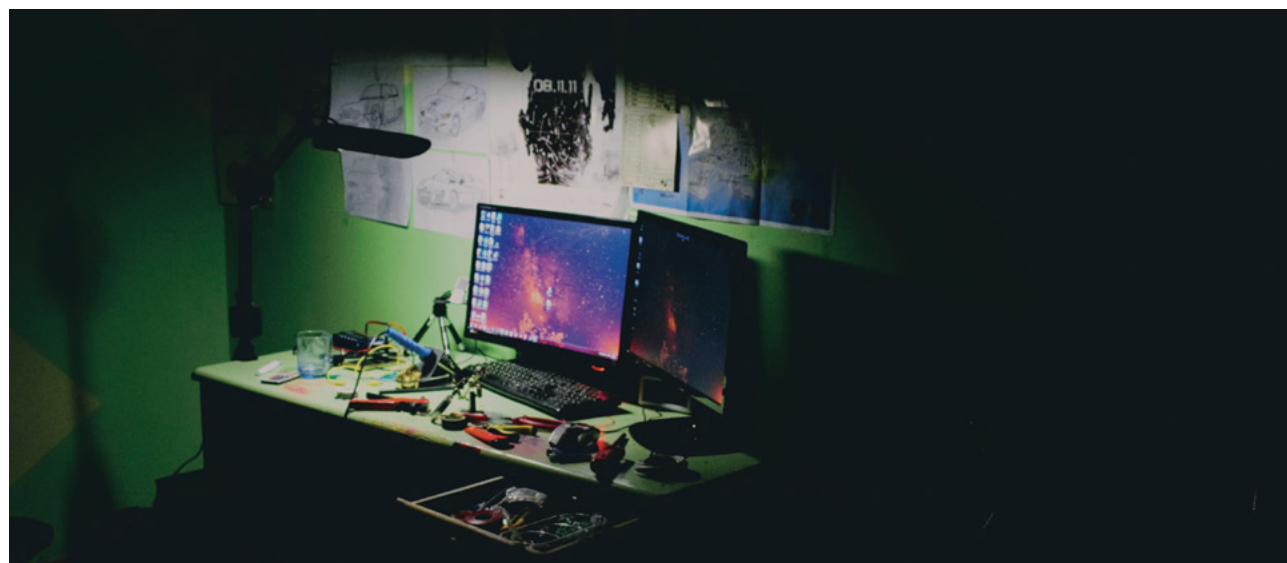
These two studies worry me in several respects. The first is the lack of awareness among the Israeli public regarding safe behavior online. The second is more complex – concern at the use of information to stigmatize and create misleading profiles of certain surfers that are liable to expose them to criminal proceedings for no good reason.

"I agree. One of the most important challenges is how to raise the level of knowledge and awareness among Israeli surfers and policy-makers concerning human rights in cyberspace and possible ways to

protect ourselves against violence and crime. An important goal for the Center is to make information available on issues such as digital rights, cyber security, and protection against cybercrime. We run a wide range of events and conferences that are open to the general public and cooperate with policy-makers in various contexts."

Another tool used by the Center to disseminate relevant knowledge is the podcast Lex Cybernetica. "Each episode focuses on one of the areas addressed by the Center. We present the issue and relevant research findings," Berenblum explains. "In each episode we try to address the issue not only from the academic angle, but also from the perspectives of practitioners and public administrators. I should note that the podcasts are broadcast in English, but their advantage is that in just half an hour listeners can acquire comprehensive and updated information about the subject at hand."

A prominent example of an activity that combines the Center's different



Ideal platforms for disseminating dark messages



A spate of hate crimes documented online. Outside the Pittsburgh synagogue that was the target of an attack

goals is the Clinic on Digital Rights and Human Rights in Cyberspace. The Clinic was inaugurated over the past year under the supervision of **Atty. Dana Yaffe**, in cooperation with the Faculty's Clinical Legal Education Center. Dr. Berenblum and Prof. Shany supervise the Clinic's work, and they both emphasize its crucial role in the Center's activities.

"The Clinic encourages creative thinking and facilitates in-depth exploration of different aspects of the subjects brought before it," Shany notes. "For example, discussion of online hate crimes also requires discussion of the opposite side of the coin: the right to freedom of expression. Accordingly, for example, we wondered what procedural rights should be granted to a user who is blocked by one of the social networks. Should there be any restrictions on the use by government ministries of citizens' private Facebook pages? These questions are far from simple, and their complexity makes it important to allow the Clinic to examine them. "Let's take the example of the

position taken by Facebook regarding the legalization of cannabis. Facebook took the approach that any expression supporting soft drugs in any way justified the blocking of the user. The Clinic represented Ale Yarok ("Green Leaf," an Israeli political party that advocates the legalization of soft drugs). We managed to persuade Facebook to unblock the Facebook page of the party's spokesperson. A similar case was when a user who criticized Minister Israel Katz on the minister's Facebook page was blocked. Again, we worked to change the perception of political criticism by the surfer, from its categorization as improper speech leading to the blocking of the user to its definition as legitimate discourse that should not lead to blocking."

Online Sexual Violence

The Center is making a unique contribution in the field known as "action research." Shany explains: "This term refers to research that includes the collection of data during the course of actual activities in the field. These studies are extremely

useful in the cyber field, where we often face a lack of data. During the study, data is collected and analyzed simultaneously. Our goal is to encourage cooperation with other bodies that enable us to examine different phenomena and develop effective solutions on a real-time basis. In this way, we can help shape practice in the field. For example, Dr. Berenblum is involved in research into online sexual violence, and the Clinic helps those (men and women) who have been injured by sexual violence in this domain. On the basis of this research, we are promoting cooperation with the Awareness Center and with dating sites active in Israel. We are working to develop tools to reduce the manifestations of sexual violence on these websites."

Dr. Berenblum predicts that discussion of the interface between cyberspace and law will continue to expand over the coming years. "This is a growing interface that is increasingly relevant to many areas. The market needs professionals who understand the field, and accordingly it is only natural that the level of interest among students is also rising. Our aspiration is to exploit the Center's key advantage – our unique combination between the Edmond J. Safra Campus and the Mount Scopus Campus: the world of precise science, with an emphasis on computer science, here on the Edmond J. Safra Campus, and the world of the humanities, social sciences, criminology, and law over on Mt. Scopus. We will strive to advance research into cyberspace on the basis of a recognition that in tomorrow's employment and research world, it will be impossible to survive without an integrated understanding of these different worlds." ■

Light in the Darkness

■ David Ross

For me, the most meaningful course in the first year was the Breira Center course at the Executor's Office. How much can a first-year student really help? Well it turns out — quite a lot. I learned how important it can be to provide knowledge and confidence in order to empower "ordinary people" in their contacts with the system. A personal column



People keep on saying thank you all the time. A Breira Center volunteer at the Executor's Office

Unfortunately, today's lawyers and legal experts are regarded as motivated by selfishness and personal interests. Thanks to my studies here at the Faculty, and particularly my experience at the Breira Center, I know that this image is mistaken. The Law Faculty at HUJI is full of wonderful people who care about the general good and about society. And they don't just care — they're also ready to do something about it. The numbers speak for themselves: around 100 students currently volunteer at the Breira Center — a significant proportion

of the total student body. I wish more people were aware of the law students' efforts and investment in this voluntary work. If the Faculty is home to a prestigious group within the society, then this is why: volunteers who never stop giving, and who see themselves as part of something bigger than themselves.

On my first day at the Faculty, while I enjoyed the free coffee and felt loss among the sea of new faces, I asked a friend in the fourth year what I should do at the Faculty apart from the studies themselves. She gave me a long list of suggestions and

projects, but I only remember one of them: "Volunteer at court with the Breira Center." Right then and there I decided that that's what I'd do. Actually, the foundation that led to my love affair with the Breira Center really began long before I ever entered the Faculty forum. My parents raised me to have a sense of social awareness and responsibility. My visits to the homes of my soldiers while I was in the army were some of the most meaningful moments of my military service. I always knew that I wanted to be someone who doesn't just take from society, but can also

give something back.

I didn't waste any time and signed up right away.

Unsurprisingly, the most meaningful course for me in my first year was the Breira Center course at the Executor's Office on Sunday mornings. How much can a first-year student really help? Can they actually do something and make a difference? Well it turns out — quite a lot. Thanks to the training we underwent at the office, the devoted help of the staff there, and my knowledge of Hebrew, I could help a lot of clients. Did it really help them, though? I was skeptical at

first, but the citizens I helped didn't stop thanking me. They invited me to lunch and some women suggested I would make a good match for their granddaughters. That made me realize that with a bit of goodwill and hard work, it is possible to make an impact and even to secure real change.

Of all the days I spent at the help desk at the Executor's Office, one moment is engraved in my mind. I was sitting behind the desk as usual. I'd just sent someone a text message when a woman came into the room, her face hidden behind a

"At the end of the process, she cried again, but they were tears of happiness and relief. I don't know what the judges ruled in her case, but I do know that on that day I served as an anchor for that women, a small light in the darkness that had engulfed her."

veil. She was carrying a plastic bag full of documents and she didn't seem sure where to go next. I knew

that someone had told her to come to me. "Are you looking for the volunteers?" I asked. She nodded, and I smiled at her. "Please, take a seat."

It turned out that this woman was a mother of three from East Jerusalem. Her husband was disabled and she was working full-time as a child carer to provide for the family. She had gotten into debt because of the careless financial actions of her family, and when I first met her she showed a clear sense of helplessness in the face of the system. Although her debts were relatively small, it was apparent that just the fact of facing a proceeding at the Executor's Office was causing her a lot of emotional distress. I gave her time to tell her story, and to shed tears she had obviously been holding in for a long time. After she calmed down and I worked out what was going on, I pulled out a Form 222 – a request to grant an order for the payment of a debt in installments. I helped her fill in all the details. After we were done, I pointed to the clerk's desk where she had to hand in the form. As she stood up, she cried again. But this time they weren't tears or suffering but tears of happiness and relief. I don't know what the judges ruled in her case, but I do know that on that day I served as an anchor for that woman, a small light in the darkness that had engulfed her.

Through that case, and dozens or hundreds of others like it, the Breira Center gave me a chance to get to know the practical side of the legal world. It helped me to understand how most people look at the legal system and what they think when they hear the word "court." I came to realize that the word doesn't conjure up associations of two Supreme Court justices sparring over

a legal interpretation – but rather associations of fear, helplessness, and confusion. When they look at the judges, their perspective is of servants peering up at their masters, hopeful but at the same time terrified by the alien environment. At the Breira Center, I learned how important it can be to provide knowledge and confidence in order to empower "ordinary people" in their contacts with the system.

My formative experience as a volunteer at the Breira Center eventually led me to become the executive director of the Center. I took on this position because I want to see the Center grow. I want more people to know who we are and I want us to improve the service we provide, as reflected in the evaluations both of the citizens we help and of the volunteers.

In many ways, leading an organization is like being a commander in the army. It isn't so complicated, but you have to set objectives, hold meetings, communicate with people, and make decisions. In many cases, though, what really matters is just to start of walking: to put on your flak jacket, greet your signaler, and tell everyone, "OK guys, off we go." Then you march forward. It's much easier for people to move when someone's marching ahead of them. So that's what I try to do.

I still have a lot to learn. What direction to march in. What to take on and what to leave alone. What to say, when to say it, and to whom. But luckily for me, I managed to learn an important lesson during my time in the army: "The secret lies with people." If you have good, serious people around you, that significantly increases the chances that you'll reach the objectives you set yourself.

"I learned that when people hear the word 'court,' it doesn't conjure up associations of two Supreme Court justices sparring over a legal interpretation – but rather associations of fear, helplessness, and confusion."

The most important thing I did this year was to choose my team. They're all people who share my desire to improve the Breira Center so that we can provide a meaningful experience for volunteers and a meaningful service for citizens. I'm happy to be part of something bigger than me, and I feel that my staff, and the wider family at the Breira Center, share the vision, the conviction in what we are doing, and the desire to make a difference. I hope that our work will continue to convey an important message: We have the option to choose good, to choose to give, to choose meaning. In a nutshell – we have an **alternative** (in Hebrew – breira). ■



Part of something bigger than me.
David Ross



תכניות לימודים לתואר M.A. בקרימינולוגיה

המכון לקרימינולוגיה מציע ארבעה מסלולי לימוד לתואר מוסמך בקרימינולוגיה:

מסלול מחקרי - תכנית המכוונת למעוניינים לחקור סוגיות בקרימינולוגיה ולהמשיך בדרך אקדמית. היקף הלימודים בתכנית הוא 32 נ"ז אשר נלמדות בשנתיים אקדמיות. כתיבת התזה נעשית בשנה השלישית.

מסלול עיוני - תכנית העוסקת בהעמקת הידע התאורטי ובפתיחת צוהר למדע הקרימינולוגיה. היקף הלימודים בתכנית הוא 40 נ"ז אשר נלמדות בשנתיים אקדמיות.

תכנית בהתמחות באכיפת חוק - תכנית אשר מכוונת לאנשים העוסקים בתחומי אכיפת החוק על גווניה השונים. היקף הלימודים בתכנית הוא 44 נ"ז, אשר נלמדות במשך שלושה סמסטרים: א', ב' וק"ץ. התלמידים/ות ישלימו את חובותיהם במהלך שנה קלנדרית אחת. הלימודים יתקיימו בימים ב' (בשעות אחר הצהריים) ו-ו' (בשעות הבוקר).

תכנית בהתמחות במדע פורנזי - תכנית ייחודית אשר מתמקדת בנושא הזיהוי הפלילי, ניתן ללמוד כמסלול מחקרי או כמסלול עיוני, היקף הלימודים בתכנית הוא 44 נ"ז, אשר נלמדות במשך שלושה סמסטרים, א' ב' וק"ץ. התלמידים/ות ישלימו את חובותיהם במהלך שנה קלנדרית אחת. הלימודים יתקיימו בימים ב' ו-ו'.

*למסלול המחקרי יתווספו קורסים מתקדמים לכותבי התזה, שיילמדו בשנה העוקבת.

הקבלה לתכניות היא על סמך לימודי התואר הראשון.

למידע נוסף והרשמה:

אתר המכון לקרימינולוגיה: <http://criminology.huji.ac.il>

אתר הפקולטה למשפטים: <http://law.huji.ac.il>

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Meet the Graduate — Hagai Shmueli // Dvir Aviam Ezra

"STUDENTS SHOULD BE AT THE VANGUARD OF THE REVOLUTION"

He came to the Faculty just after the 1973 Yom Kippur War, and was taught by Tedeschi and Zussman in the days when students had to study Roman law. Now he is the managing partner of the Yigal Arnon law firm. In a conversation with **Atty. Hagai Shmueli**, he implores students to get involved

“We studied the theory of law with **Gad Tedeschi**. Learning with him was a larger-than-life experience. It wasn’t just about coming to class, listening to the lecture, and taking the exam — it was drama. And there were many others. **Yoel Zussman** and **Miriam Ben-Porat** taught us civil proceedings, for example. There was **Feller** in criminal law, **Hernon** in evidence, **Lapidoth** in public international law, **Kretzmer** in contracts, **Levontin** in private international law, **Menachem Elon** in Jewish law, **Weissman** in property, **Haim Cohen** in professional ethics, and **Aharon Barak** in deeds and damages. Every one of them had a new message to bring in their field. And their assistants at the time later also came to prominence. The exercises in my first-year criminal

law course were taken by none other than **Miriam Naor**, and in the theory of law I had **Ruth Gavison**. The great minds of the generation were our teachers, and the great minds of the next generation led our exercise classes. We also studied some very funny subjects, such as common law and Roman law. I must admit that I still remember little snippets of these fields. Even though they aren’t really relevant to the Israeli legal system, it was interesting and broadening.”

Shmueli recalls that the aftermath of the war led to a high level of absences. “We were constantly called up for reserve duty. In my second year, I did 150 days of reserve duty, and at the time that wasn’t

considered so much relative to others. So they tried to find all kinds of ways to make things easier for us. For example, they decided to hold examinations each trimester; the maximum grade in any exam was 33; and by the end of the year you had to accumulate a pass grade. Sometimes we might get 60 points in the first two exams and then simply skip the third one.”

It sounds like a totally different world to today’s Faculty

“Yes, totally. The legal profession was different back then. The number of attorneys and law students was small. The studies concentrated on theoretical law and less on the legal profession. Legal practice and



Photo: Yoram Reshef

professional aspects were not even mentioned. When the time came for our internship, I hadn’t even realized that was something we had to do. No-one talked to me about it and I hadn’t prepared for it. At the last moment I remembered that I knew Yigal Arnon, and I took advantage of that to work with him as an intern.”

In your second year you served as an intern at the Supreme Court, didn’t you?

“Yes. It’s funny — today people dig tunnels with their bare hands to get a place there. All I really did was take part in a seminar led by Justice Haim Cohen, in his home. There were six of us, and at the end of the seminar I asked whether he happened to have a place open for me to intern for him. “Of course!” he replied, and that was the end of it. No interviews, no exams, no line, and no struggle. It was all so simple. And that’s how I came to intern for the greatest one of them all — a real privilege.”

The Faculty was recently ranked 28 in the Times Higher Education ranking— an impressive achievement by any standards. What do you think sets the Faculty apart from other law faculties in Israel?

“I’m not familiar with the other faculties, so I don’t have a basis for comparison. But I can certainly see the imprint of the Faculty on students who come to us as interns. The students we interview, and certainly those we accept, are impressive by any criteria. Although we studied seriously back then, I have no doubt that the standard today is much higher. You can see the efforts the students make, their broad knowledge of each subject, and the innovative study areas the graduates bring with them.”

“We studied the theory of law with Gad Tedeschi. Learning with him was a larger-than-life experience. It wasn’t just about coming to class, listening to the lecture, and taking the exam — it was drama. And there were many others. The great minds of the generation were our teachers, and the great minds of the next generation led our exercise classes.”

The Yigal Arnon law firm has an ongoing connection with the Faculty.

“Yes. We maintain close contact with the Faculty and see great importance to this relationship. Above all, it’s important for us to feel part of the front line of legal-academic thought. We don’t want to be a law firm that just handles cases and makes money. That’s the reason why we exist, of course, but we also want to be part of the ongoing progress in theoretical legal thinking. That’s why we send our attorneys to give lecturers at the Faculty, and we receive information from the Faculty about developments in innovative fields we know less about. We also maintain a large library at our office housing thousands of legal titles, and it’s important to use to keep up-to-date with what’s happening at the Faculty library.

“We attach enormous importance to the students who come to work with us as interns. We’re proud that we grow our own radishes in our yard. Yigal Arnon has a staff of over 200 attorneys, and around 85% of them were interns here. That’s the human

foundation for our future. If good interns come here today, then in 10 years we’ll have excellent attorneys. The HUJI Law Faculty is an ideal base for this. In the final analysis, most of the senior partners who run the firm today are graduates of the Faculty.”

You’re active in the Association for Civil Rights in Israel, an area of activity that isn’t connected to your legal work. How do you see this involvement?

“My legal field is business. I represent clients, manage deals and cases, and try to secure good results for the clients and to advance our firm. At the same time, I’m active in social organizations, and the Association for Civil Rights in Israel (ACRI) is one of these. I’ve always felt that ACRI promotes an important message in terms of the proactive maximization of democratic principles of human and civil rights. I see this as important not only from the legal dimension, but also in political and ideological terms. ACRI isn’t an extreme leftist organization, as it is sometimes perceived, but a balanced and smart one. It cares about the rights of every part of society, including people whose views are diametrically opposed to my own. Their human and civil rights and their right to express their opinion must be protected. I’m very proud to be part of a body that has devoted itself to this discourse and that works with impressive professionalism and diligence to promote it.”

Would you like law students to be involved in social and political activism?

“In my opinion, students in general, whatever faculty they’re attending, must be more involved in civil life. It doesn’t matter on which side or in which direction, or whether its political, social, or voluntary.

"Mt. Scopus looked like a quarry then. There was dust and mud everywhere, cranes and concrete mixers everywhere you turned, and we were trapped in the old building, studying alone on the mountain ridge."

Students should be a revolutionary force that influences the future. Unfortunately, here in Israel we don't see or hear them enough.

"I'm not saying this by way of criticism, because I was a student too. But in our day the university was an active and lively place. There were real battles here, including storms and violence. I come from the generation of Tzachi Hanegbi and his chains, and the battles between Israel Katz and Lieberman and the left-wing students. This later led all these students to be involved in politics and leadership across the political spectrum. The university was a platform then for the

emergence of ideas and for actions that have political, social, and civil dimensions. I'm sorry this has settled down.

"When I was at the Faculty, most of HUJI's programs were based on the Givat Ram campus. We were the only ones who studied here on Mt. Scopus. It was terrible. Mt. Scopus looked like a quarry then. There was dust and mud everywhere, cranes and concrete mixers everywhere you turned, and we were trapped in the old building, studying alone on the mountain ridge. Worst of all, all the social activities – and most of the women students – were over at Givat Ram, so what could we do? Basically we were kind of offside, although we did use to visit Givat Ram, where most of the social and political activities were also based. This was important to us, and I'd be happy if it were important today, too.

"So – yes. ACRI is one particular direction you can act in, but there are lots of other organizations and places. Students should lead



The young Hagai Shmueli

the civil and political revolution and serve as a subversive and driving force in social processes. Unfortunately the revolution hasn't come yet, partly because young people aren't interested enough. A lot of them are kind of anesthetized. I'd be glad to see them getting active on any side and in any direction or field, civil or political." ■



We studied all alone on the mountain ridge. Mt. Scopus in the late 1970s



הקרן ע"ש פרופ' מנחם אמיר
(חתן פרס ישראל בקרימינולוגיה)
מציעה

מלגות הצטיינות לתלמידי מוסמך חדשים במסלול המחקרי בקרימינולוגיה

אנו שמחים לבשר שבשנת הלימודים הקרובה יעניק המכון לקרימינולוגיה, בפקולטה למשפטים, מלגות הצטיינות לתלמידי מוסמך מצטיינים שיתקבלו למסלול המחקרי.

המלגה תוענק באופן חד פעמי עם הקבלה ללימודי המוסמך.

המלגות יוענקו לתלמידי שנה א', במסלול המחקרי, שעתידיים לכתוב תזה.

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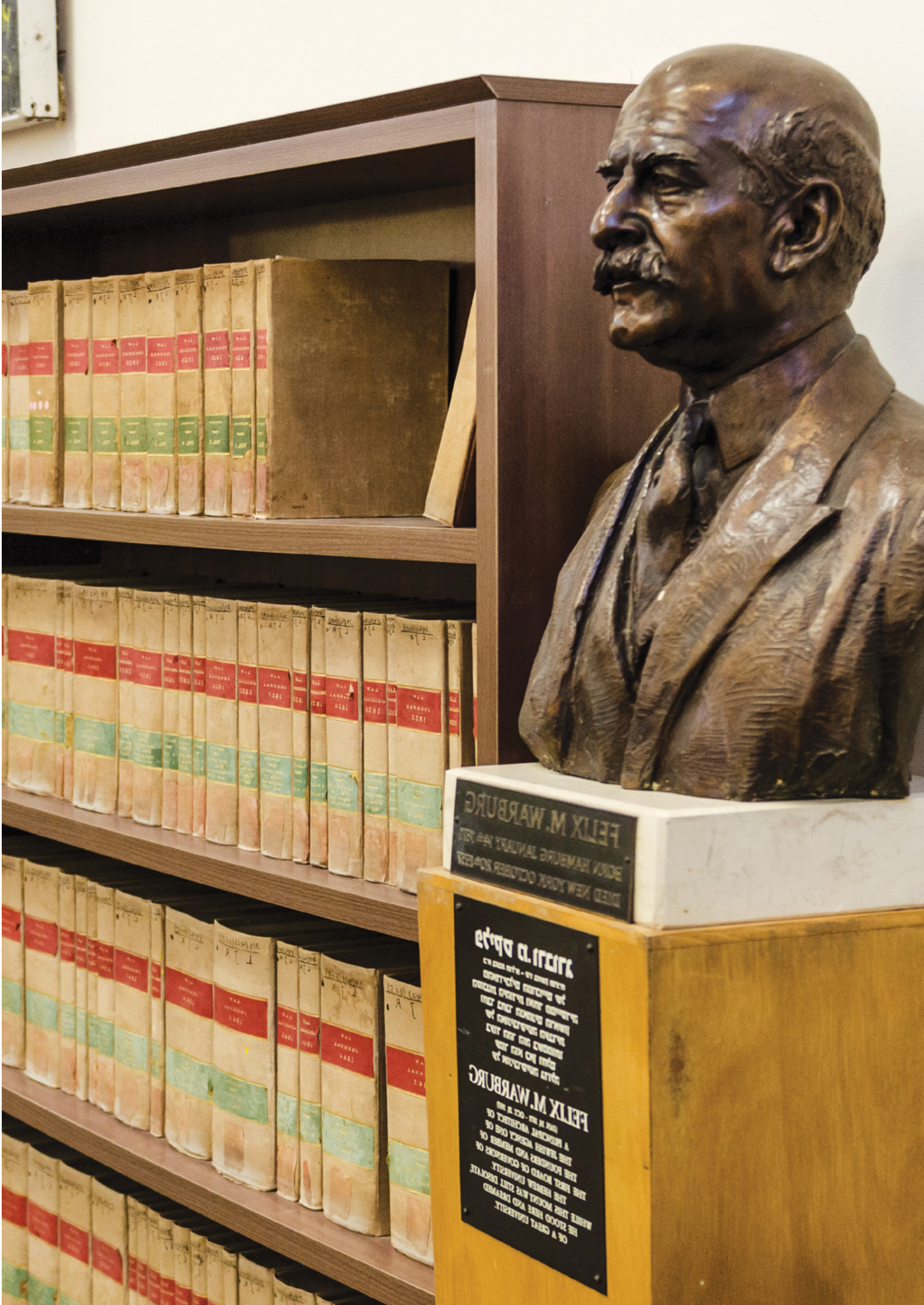
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