

OBITER

Journal of the Law Faculty at the
Hebrew University of Jerusalem

Issue #3 // April 2019

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"Behavioral research anticipates that because of the judge's biases, and perhaps other reasons, the actual burden of persuasion is much higher. Many attorneys are aware of this intuitively. An attorney will not agree to take on a case if they think that the chance of success of the client's version is only "slightly" greater than that of the other party"
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From the Dean’s Desk // Prof. Michael Karyani



As the field of law is undergoing significant changes, so is legal research. The Faculty sees itself as an intellectual home for diverse approaches and circles, and the synergy this produces makes for a dynamic academic arena. Evidence of this can be found in various rankings published over

the past year positioning the Faculty as the leader in Israel and as a major player on the global level. I am particularly pleased to tell you about the building drive we will be launching shortly. We will be adding two new floors to the Hirsch Building, establishing Levontin Plaza, and installing signs in three languages. Our success and growth are due to the welcome cooperation between students and faculty – including the administrative faculty, of course. This journal reviews some of the latest successes and developments at the Faculty, and in itself is a product of this hard work and cooperation. I invite you to read the articles and learn more about the academic home that is dear to us all.

Editorial Comment

We are proud to present the third issue of Obiter, the journal of the Faculty of Law. The articles were written by students at the faculty who are familiar with its activities and worked hard to illuminate some of the stories we have to tell. It is impossible to sum up all the Faculty’s work in a few dozen pages. Even the attempt to focus on the latest developments is doomed to failure, simply because they are so many. Students, lecturers, and administrative faculty publish

articles and launch professional and academic initiatives on a daily basis, creating a rich academic arena with interesting and diverse activities. With this in mind, we invite you to see this journal as an abstract or a peek into the wide range of activities here at the Faculty – academic, social, and personal. You have every reason to be proud of your bond with such a dynamic and lively academic institution. Happy reading!



Bringing the Periphery Closer

On December 30, 2018, the Clinic for Representation of Populations in the Periphery, which operates under the auspices of the Clinical Legal Education Center received a moving award from the Absorption Desk for Ethiopian Immigrants in Jerusalem. For the past decade the Clinic has run two legal aid offices for the Ethiopian immigrant community, on Jaffa Street in the city center and in the Kiryat Menachem neighborhood. Every year the offices help dozens of members of the community to secure their rights in fields such as national insurance, public housing, the Executor's Office, and labor law. The award was given in recognition of the Clinic's longstanding work to ensure that Ethiopian immigrants receive their due rights.

The Clinic recently identified a problem in Arabic-language accessibility on the website of the National Insurance Institute. Following its intervention, the Institute changed its policy, as reported in the national media.

Congratulations to Prof. Gideon Parchomovsky on winning the Falk Prize for Outstanding Research!

Prof. Gideon Parchomovsky is considered one of the leading scholars in the world in the field of property law and has published numerous articles in prestigious journals. He holds an LLB degree (cum laude) from the Hebrew University, an LLM degree from the University of Berkley, and a PhD from Yale. In 2016 he won the Zeltner Prize for Legal Research. The Falk Prize is awarded annually to an outstanding researcher at a ceremony dedicated to the memory of Prof. Yoram Ben-Porat.



Photo: Bruno Sharvit

Legal Briefs

What's New at the Faculty?



Minerva Human Rights Center Launches a New Website

The Minerva Center, which leads the Faculty's activities in the fields of human rights and international humanitarian law, marked the new year by launching a new sophisticated website. The site offers extensive information about the Center's courses, programs, and achievements, as well as RFPs for scholarships intended for students, faculty, and professionals. It's well worth taking time to browse through the website (in English). minervacenter.huji.ac.il/book/main



Dr. Keren Weinshall-Margel Initiates Database of Supreme Court Rulings

The online database was inaugurated at an international conference entitled Comparative Supreme Court Decision-Making Workshop, where we were honored to host Supreme Court Justice Daphna Barak-Erez and Adam Liptak, the Senior Legal Correspondent of the New York Times. Dr. Weinshall also discussed the database, which is open to the public, on the Israeli television news program London & Kirschenbaum. She explained how, together with her colleagues Prof. Lee Epstein and Andy Worms, she used mathematical tools to catalogue over 50,000 rulings and decisions issued by the Israeli Supreme Court. The analysis of the database has yielded some fascinating insights: Less than one percent of all the justices' opinions are minority opinions; a correlation can be seen between the justices' level

of "audacity" and their proximity to retirement; and the Israeli Supreme Court faces one of the heaviest workloads in the world. The database is accessible at:

iscdbstaging.wustl.edu

Multicultural Celebration

The Aspirations Forum, together with the Law Faculty Student Union, held a Christmas celebration in the Faculty forum, including lighting the Christmas tree, songs, and chocolate. An impressive crowd of students and lecturers attended the celebration. Not long before, we celebrated Hanukkah. Happy Holidays one and all!



A Promising Young Academic

Dr. Rawia Aburabia (right), a graduate of the Human Rights under Pressure program (a joint doctoral program of the Minerva Center and the Free University of Berlin) was included in a list of 40 promising young people published by Globes magazine. Dr.

Aburabia won this recognition thanks to her groundbreaking study on the phenomenon of bigamy in the unrecognized Bedouin villages in the Negev, as well as for her work over many years helping the residents of the village to secure their constitutional rights.

Following her inclusion in the list, Dr. Aburabia remarked: "As a Bedouin woman who enjoyed every opportunity and condition for success – in a society where women are usually channeled toward marriage and childrearing – I feel a moral obligation to raise issues on the academic stage. I try to improve at least a little the transparent legal status of Bedouin women." ■



Photo: Dalia Isaac-Laviathan

Around the World In London



■ Racheli Riff

The CTLS program in London brings together lecturers and students from around the world to study comparative international law, visit leading European courts, and even celebrate their festivals together. Add to this the local cultural and leisure scene and the result is a particularly attractive exchange program

In the first class of the semester at the Center for Transnational Legal Studies (CTLS) in London, **Prof. Miri Gur-Arye** did not confine her comments to legal issues. “As part of the orientation, I invited the students to participate in an exercise on intercultural diversity in interpersonal encounters,” she explains. “For example, there are cultural differences in the ways students address their lecturer. Some use the third person and others use

first names. Another example comes when you meet someone for the first time. Do you offer them your hand? Or do you kiss them twice or even three times on the cheek?” In France they kiss twice, while in Switzerland three is the norm. If we are unaware of these nuances it can cause embarrassment. We encourage multicultural awareness.”

Multiculturalism is the foundation of the CTLS program, which differs from other exchange >>>>>

More fun to live
there than to visit.
London



programs. The program is a consortium of nine prominent law schools from around the world. Led by the School of Law at Georgetown University in Washington, and in cooperation with the School of Law at King's College, London, where the program is based. The Hebrew University is one of the institutions that participate in the program. The faculty and the students are exchanged every semester. Both the faculty members and the students come from different places around the world, and even the program directors are exchanged every year. One of them comes from Georgetown and the other from one of the partner institutions. This year, Prof. Miri Gur-Arye, a professor of criminal law at the Faculty who has already lectured at CTLS, was invited to serve as the joint academic director of the program. Speaking to us from a freezing London, Miri told us about this unique experience.

"Because everyone comes from different places, they bond immediately. Strong friendships develop, both between the students and the faculty. Last semester we had faculty members from the US, Australia, Italy, England, and Israel, and this semester we added Singapore and Toronto. This year we have students from Columbia and China, as well."

At the Court in The Hague

Alongside the compulsory and elective courses, CTLS prides itself on interesting and group-building experiences that go beyond the usual borders of law studies. "For example, we had a lecture from one of the advisors to the Obama Administration, who discussed the rule of law in states of emergency," Gur-Arye recalls. "Over the coming

semester I'll be organizing an event ahead of International Holocaust Day including a screening of the film *The Reader*, based on the novel by Bernhard Schlink. An expert on German literature and an expert on Holocaust studies from London will speak at the event. We also have movie evenings, pub outings, visits to legal institutions in London, and once a semester we take the students on a tour in Europe. I took the students on my course to the international courts in The Hague.

How did the visit go?

"It was amazing. At all the institutions in The Hague we heard explanations from prosecutors, defenders, and judges. At the International Criminal Court we listened in on a particularly difficult trial of a former commander in the Ugandan militias who was accused of crimes against humanity. He was charged with kidnapping men to serve as soldiers and kidnapping women who became sex slaves. It turned out that he had been kidnapped himself by the militias and forced to serve, and slowly he climbed the ranks. It was a very interesting trial of a victim who

Prof. Miri Gur-Arye: "What do you do when you meet someone for the first time? Do you offer them your hand? Or do you kiss them twice or even three times on the cheek? In France they kiss twice, while in Switzerland three is the norm. If we are unaware of these nuances it can cause embarrassment. We encourage multicultural awareness"

became an offender. Before the visit, by way of preparation, pairs of students presented the advantages and disadvantages of each of the courts in The Hague and we discussed the issues raised. When we visited the courts, the students asked excellent questions and an intense discussion followed. It was a wonderful trip and an amazing learning experience."

Gur-Arye adds that serving as a lecturer in the program is also a wonderful experience. "The lecturers really enjoy themselves here. Anyone



Striking a balance between studies and pleasure; visit to the World Trade Organization in Geneva, 2015



Immediate bonds. Students in the program, 2018. First on the left: Yael Hayman, who is participating in CTLS this year.

who comes once wants to return. But it's also very challenging teaching here. Every lecturer is given a group of students without knowing what their legal background is and what they know or don't know. Every country has its own approach to law studies and every university has its own methods. Not all the students speak fluent English. So the lecturers have to think of ways to teach that are appropriate for the whole class and can keep everyone engaged. The class can't be too easy for some students or too hard for others. It's a challenge, but great fun.

"In my position here I meet students from around the world. I learn a lot from them. It's also amazing to be here as a student," she adds. "Unlike other exchange programs, this isn't a case of one or two students who come to a place full of local students and have to fit in somehow. Here everyone has come from elsewhere, so the program focuses on the

students and what they need to study and do here."

Last November a conference was held to mark the tenth anniversary of CTLS. Gur-Arye proudly explains that around 140 graduates of the program attended the event.

Rimon Rafaeli: "We walked around together — Swiss, Italians, and Israelis. And we celebrated our festivals together. I remember that one of our best friends, Natalia from Columbia, was very sad that she couldn't go home for Christmas because it was too far. So we made Christmas for her in the apartment"

"That's a huge number. We didn't know how many would come. It was great to see them hugging each other and chatting. They came at their own expense to meet up with everyone.

Lecturers also came. I myself have some real connections with some lecturers from Italy I met here, and in May I'll be visiting Turin to lecture at the university and visit my friends. Last year I went to Germany for the same reason."

And how's London?

"London is an amazing place to live. It's a beautiful city and it's a pleasure to walk around. The classical monuments, the markets, the cultural events, the museums. For anyone who loves the theater it's a treat for the eyes. The students go to lots of musicals and there are special discounts for students. But let's put London aside for a minute and concentrate on CTLS itself. The experience here is something you can't find in any other student exchange program."

Celebrating Chrismukkah
Amit Cohen, a Faculty graduate who just passed her bar exams, >>>>>



studied at CTLS two years ago and remembers a positive and meaningful experience. “I went to the program together with a relatively large group from the Hebrew University – 10 students from the third and fourth years. Because everyone there is an exchange student and it isn’t anyone’s home university, everyone arrived with very good intentions, eager to talk and share. On the first evening we all went out together.

“Apart from that, the study environment is very special. The lecturers also change every semester. We came together with **Dr. Dafna Levinson-Zamir**, and we had a Spanish and a Swiss lecturer, among others. It was really interesting to see each lecturer’s approach. You learn about legal methods from different places around the world and talk a lot about the connection between culture and law. In one place something can be normative while in another place it isn’t. You can draw inspiration from different legal systems. It’s very interesting. As for English, there’s no need to worry,” she smiles. “Relatively speaking, the Israelis have the best English in the program. Some of the people on the program didn’t have perfect English, and they came to learn and improve their skills. The discussions in class and with the other students were very relaxed.”

Rimon Rafaeli, who is now a staff

attorney with Erdinast Ben Nathan Toledano & Co., participated in the program in 2015. “It was an excellent experience. The teachers at the program were leading lecturers from select universities around the world. We studied international law, but not in the usual way, but from a comparative and economic perspective, looking at areas that aren’t covered so much at university, such as European Union law. The lectures were very diverse and strong. For example, I studied international commercial law with a judge from the World Trade Organization who is a lecturer at the University of Singapore. That gives you a really interesting angle. As part of the course with the Singaporean lecturer, we had a class trip to the World Trade Organization in Geneva. We spent two or three days there, listening to lecturers and visiting various international organizations based in the city. The studies struck a good balance – they were very interesting, but not excessively demanding, so that let us have the experience of being a student abroad, and not just sit studying all day long.” Unsurprisingly, all the participants have good things to say about London. “London’s amazing,” Amit enthuses. “It’s a city that has everything – night life, food, culture, and markets. It has great public transportation that’s very easy to use. Pretty soon we felt at home there in that respect. There are a lots of places to visit. There was a bar just below the university, and we walked round the city a lot together. On the eve of the Jewish New Year, we invited our classmates over for a festive meal. We also celebrated Chrismukkah together, with donuts and dreidels. At the end of the program we prepared a very well-produced yearbook with photos and

comments we wrote to each other.” “It’s much more fun living in London than visiting it as a tourist,” Rimon comments. “When you live there, you can really get to know it, beyond the usual tourist sites. We lived in Notting Hill, in a basement apartment with a big window and a garden in the courtyard. The transport is great so you can easily pop from a quiet neighborhood into the center of things. Since the program, London feels a bit like home to me. It’s a very young and dynamic city, with lots of galleries, theater shows, street performances, and music.

“We walked around together – Swiss, Italians, and Israelis. And we celebrated our festivals together. I remember that one of our best friends, Natalia from Columbia, was very sad that she couldn’t go home for Christmas because it was too far. So we made Christmas for her in the apartment.

“I recommend choosing the winter semester. It’s true that it’s cold, but it’s really special. I remember that we went ice-skating at Christmas and there was a huge tree in the middle of the rink with lots of decorations, with the ice around it. It was amazing. During the winter vacation some of us hired a van and traveled to Scotland and Ireland. It was an unforgettable experience.”

People say that London is expensive .

“If I compare rent in London to Tel Aviv,” Amit says, “there isn’t a big difference. The gap compared to Jerusalem is bigger. As for other things, it depends how much you want to spend. You have to choose whether to skip another musical or soccer match. Beer is cheaper in London and cell phones are very cheap. Public transportation is expensive but there’s a discount card for students. And

Prof. Guy Harpaz: “The program makes our Faculty part of an exclusive club of law schools. Our partners including Georgetown, Toronto, King’s College, and Melbourne. This is part of our commitment to an international approach – a trend we have been leading at the Hebrew University over the past few years”

flights to other parts of Europe are very cheap – you can travel to Berlin or Barcelona for 30 or 40 euro.”

Prof. Guy Harpaz, the Dean of Students, is responsible for the program. He explains: “The Faculty has decided to raise the scholarship for the participants in the CTLS program. This program provides the highest scholarships. There is also a more flexible approach in awarding credit from the program toward the interdisciplinary study section.”

“It’s important to note,” Prof. Harpaz adds, “that over the years we have managed to place quite a few students in short-term internships with prestigious law firms in London. The same is true this year. The program makes our Faculty part of an exclusive club of law schools. Our partners including Georgetown, Toronto, King’s College, and Melbourne. This is part of our commitment to an international approach – a trend we have been leading at the Hebrew University over the past few years. I envy the students who participate in this program – both because of its unique academic benefits and because of everything that London has to offer.”

Like Hogwarts

Amit and Rimon: have you stayed in touch with your classmates from the program?

“Almost all of us are still in touch,” Amit replies. “Friends from Germany, Switzerland, and Belgium have been to visit us in Tel Aviv. I’m in touch with friends from Italy and all kinds of other places. They recently held an event in London to mark the tenth anniversary of the program. Unfortunately I couldn’t go, because it was two weeks before my bar exams, but two friends of mine went and had a great time. Lots of people came because they wanted to keep in touch.”

“We were a very close-knit group,” Rimon adds. “I have friends from around the world. In my year there was a really good vibe between the Israeli and Swiss students. Last year I visited a friend in Switzerland, and before that he came to Israel to see us.”

So do you recommend the program?

“Definitely,” Amit replies. “And if anyone needs help finding an apartment in London or other tips, there’s a sheet of recommendations we wrote when we finished the program, and it’s passed on from one year to the next.”

“It’s an amazing way to have the

best of both worlds,” Rimon says. “CTLS is an exchange program that’s only about exchange, so they take it seriously and the students don’t get lost in the crowd. There’s a good balance between study and fun. The courses are serious and they make

Amit Cohen: “Almost all of us are still in touch. Friends from Germany, Switzerland, and Belgium have been to visit us in Tel Aviv. I’m in touch with friends from Italy and all kinds of other places. They recently held an event in London to mark the tenth anniversary of the program”

demands – it isn’t easy, but it also isn’t crazily difficult. It also a good way to learn and to have fun. And here’s another reason: the library there, which is housed in an ancient building, has a tall glass ceiling and there are books there from around the world. It’s just like Hogwarts. We felt we were living in one of the Harry Potter novels.” ■



Attending the trial of a victim who became an offender. Group visit to The Hague, 2018. Prof. Miri Gur-Arye is standing in the center of the photo.

The plaintiff and the defendant live in different worlds in terms of decision-making. Prof. Doron Teichman (left) and Prof. Eyal Zamir

Photo: Racheli Riff

The Psychology of Verdicts

■ Coral Mel



A new book by Prof. Eyal Zamir and Prof. Doron Teichman offers a groundbreaking economic and behavioral analysis of law. It emerges that judges' rulings that are not always rational are liable to influence our behavior. Interview

The OUP recently published a book entitled Behavioral Law and Economics, authored by **Prof. Eyal Zamir**, who teaches commercial law at the Faculty and formerly served as dean, and **Prof. Doron Teichman**, deputy dean at the Faculty. Zamir and Teichman have authored a groundbreaking book that for the first time offers a multidisciplinary analysis of law and behavioral phenomena. We managed to get them together for a packed interview about law, behavior, and

the connections between the two.

How did you both come to write the book?

Eyal: "Over the past few decades, there's been an interdisciplinary revolution in law studies in North America and Israel. More and more researchers are analyzing law from perspectives that are not internal to the discipline. The most influential interdisciplinary perspective is the economic analysis of law. This approach tries to >>>>>



understand and predict human conduct, and the impact of law on human behavior. A standard assumption of the economic analysis is that people are “rational maximizers” – in other words, they think logically and seek to increase their own benefit whenever possible. Over recent decades, a growing number of studies have shown that the standard assumptions of the economic analysis are incorrect. The deviations from these assumptions are not minor or random, but substantial and systemic.

“The pioneering studies that laid the foundation for behavioral economics were undertaken at the Hebrew University of Jerusalem by Daniel Kahneman and Amos Tversky. The Hebrew University is still a key center for studies in this area. Until now, however, no book had been published offering a comprehensive and systemic explanation of the behavioral economic analysis of law. This is the first work to take on this task.”

Excessive Caution

Doron: “I’ll give an example to illustrate the subject. There is a behavioral phenomenon whereby judges tend to evaluate probabilities differently when they examine something with hindsight. After all, we’re all wise after the fact. For example, after an accident we’ll say that it was obvious that there was

a dangerous situation liable to lead to an accident. But we didn’t say that before the accident, when it might have been avoided. This is the distortion of hindsight, and it has tangible legal ramifications, because litigants know that judges are not completely rational and make their rulings in accordance with this bias. This can influence our behavior from the outset.

“For example, people and organizations involved in activities that are liable to cause damage may show excessive caution and take extremely expensive actions due to their fear that if an accident occurs, the judge will find them liable. They may do this even if there wasn’t substantive justification to take these precautionary measures. Anyone who is interested in the impact of court rulings on humans needs to examine the psychology of judicial decision-making.”

Why did you choose this particular subject?

Eyal: “Doron and I have written studies on this field, such as a study examining the impact of psychological phenomena on arrangements for legal fees, or a study investigating the behavior of both sides in a contract. When we felt that we had gained a broad perspective on the field, we decided to embark on writing a book. Our work was particularly challenging since hardly any works have been written that offer a systemic analysis of the psychology of decision-making.”

Doron: “A few years ago, Oxford University invited Doron and me to edit their book *The Oxford Handbook of Behavioral Economics and Law*. The book includes a collection of articles by leading researchers in the field of economic-behavioral

analysis who present their insights in various contexts. Our work on the book forced us to move outside our comfort zones and examine other areas of law. Naturally, when you are editing a book written by other people you don’t agree with everything. In our own book we can behind every argument that is presented.”

What contribution will the book make to the field?

Eyal: “The book is not a monograph – a work presenting a single central argument. It aims to provide a critical summary of all the work that has been undertaken to date in the field of behavioral legal research and to prepare the infrastructure for future research in the field.”

Can you give an example of a study presented in the book?

Eyal: “According to standard economic theory, people think in absolute values. In other words, from an economic viewpoint, there is no difference between losing money and failing to secure profit, just as there is no difference between gaining profit and avoiding loss. For example, if I run a store and make 10,000 shekels a month, but I could close it and rent out the building for 12,000 shekels, then in economic terms I’m losing 2,000 shekels on the operation of the store. One of the main insights Kahneman and Tversky introduced is that human psychology doesn’t work that way. People don’t evaluate outcomes in absolute terms, but relative to some reference point – that is to say, as profit or loss.

“It emerges that people hate to lose much more than they love to win. When making decisions in the world of losses, they tend to be more inclined to take risks than in the world of profit. These phenomena of hatred



Understanding and predicting human behavior

of loss and the differential attitude to risk in the world of losses are psychological factors that can help explain or justify a large number of legal phenomena.

“For example, we can understand why the prosecutor and the defender live in different worlds in terms of their decision-making. A plaintiff lives in a world where he hopes to win, so he hates risk and will prefer a compromise where he is sure to get a check. By contrast, the defendant lives in a world where he will potentially need to write the check in the end, so he will be willing to gamble in order to avoid certain loss.”

Healthy or Unhealthy?

How is all this relevant for policy-makers and attorneys?

Eyal: “In Israeli law, attorneys know that the burden of persuasion in civil proceedings is 51 percent. Behavioral research anticipates that because of the judge’s biases, and perhaps other reasons, the actual burden of persuasion is much higher. Many attorneys are aware of this intuitively. An attorney will not agree to take on a case if they think that the chance of success of the client’s version is only “slightly” greater than that of the other party. Behavioral analysis helps provide evidence, explanations, and practical predictions regarding a

given situation.”

Doron: “In the field of policy-making, one of the main revolutions in recent years in the area of regulation is the nudge revolution. This is a form of regulation based on behavioral insights. Unlike coercive regulation, which denies certain possibilities to people, it leaves the choice up to individuals, and just gives them a “nudge” in the desirable direction through behavioral insights. “A concrete example here in Israel is the whole subject of food labeling, which still hasn’t fully come into force. Until now we dealt with small and confusing stickers put on the back of products. Now the situation is different. The regulators thought that if we make the information available to consumers in a simple form, with stickers saying “healthy” or “unhealthy,” we can help them buy the best product for themselves.

“On the one hand, this is an example of the contribution of behavioral research. But other behavioral studies actually question the effectiveness of such measures in the long term. These studies would argue that people aren’t good at balancing things and take decisions that damage themselves in the long term. Accordingly, it would be better to devote our energy to an ordinary

economic analysis and to be more aggressive in tackling the problem, for example by imposing taxes on harmful food or even prohibiting it.”

How do two people write a law book together?

Doron: “We started with an outline of the book, the contents...”

Eyal: “But there were changes. Research never starts from zero, it always builds on previous studies – your own or others’.”

Doron: “Eyal and I basically agree about many aspects, but we aren’t in total agreement. Sometimes we negotiated about how a particular paragraph in the book would be phrased.”

Eyal: “But on the whole, the process was fairly easy.”

Doron: “You couldn’t embark on a project like this unless there was agreement on the basic questions.”

Eyal: “There will always be compromises, but in our case they are minor. Here’s an example of a disagreement about terminology. ‘Left of center’ is a term that is useful in American discourse, but not so much in Israel.”

Doron: “Let’s see if we can agree on the following sentence: The behavioral analysis leads to outcomes that are more inclined to support regulation and intervention in free markets by comparison to classic economic analysis.”

Eyal: “Agreed!”

Doron: “You see how short negotiations can produce a sentence we both agree on?”

And in closing?

Doron: “We’re really looking forward to writing the second edition of the book. This is a field that’s alive and kicking.” ■

Defending

Youth

■ Coral Mel

The students at the Children Rights Clinic provide legal aid for young people at risk, stage a mock trial with them, and engage in advocacy to encourage legislative change in the field. Dr. Shiran Reichenberg, the supervisor of the Clinic, tells us about its demanding but rewarding work

Dr. **Shiran Reichenberg**, a Faculty graduate who has a master's in criminal law and is a graduate of the Faculty, began her law studies in 2001. At the same time, she began to volunteer with children and young people, in what would become a formative experience. "I worked in the Street Law program, which today is part of the Clinic," she recalls. "I was placed at the Mesilla hostel for girls. The work there changed my life. When I was in my third year



Photo: Rachel Riff

they opened the Clinical Center and I decided to volunteer at the Youth Representation Clinic, which helped young people at risk."

After completing an internship in the Public Defender's Office and a master's degree at UCL, London, Shiran came back to the Hebrew University as a licensed attorney to supervise the Youth Representation and Street Law Clinics, which were later merged to form the Children and Youth Rights Clinic. At the same time she completed a doctoral thesis on the subject "Realizing the Right of Participation of Girls in Therapeutic and Custodial Proceedings in the Juvenile Court." Her thesis was just recently approved.

Contract Law at a Fashion Show

What influence has your legal work with young people had on you? What challenges and unique features have you found in this work?

"When I began my studies, I didn't know anything about the field of youth at risk from the legal standpoint. My practical experiences gave me a lot of tools and were one of the most meaningful parts of my degree. One of the challenges I faced was the need to find a special way to make the legal material I acquired at the university accessible to the girls so that they could understand it and apply it in their own lives. So for example, to explain contract law we staged a fashion show. Then at the end we told them that we'd changed the rules and that the girl who had put the least effort into it was the winner. Using this apparently simple incident, we went on to explain concepts such as animus and indefiniteness."

So what do you actually do at the Children and Youth Rights Clinic?

"We should probably change our name to the Children, Youth, >>>>>

"At the end of the year, the students and the young people prepare a mock trial together and present it at the Faculty. If they have families, the families come to watch them, and the young participants even receive a certificate from the Faculty of Law for completing the course. It's a really moving experience. For most of them, this is the first certificate they've ever received"



"We learn a lot from the practical experience." Members of the Children and Youth Rights Clinic

and Young Adults Clinic, because over the past few years we have dealt with a large number of requests for help from adults we worked with when they were minors, or from young adults who don't have support from their family or from anyone else. To answer your question – the purpose of the Clinic is to help minors at risk who are on the edge of the therapeutic spectrum and to provide them with holistic legal representation.

"We use three types of clinical work. The first is community law. The students go out into the field to meet boys and girls at risk on the streets of Jerusalem. Some of these young people are homeless, use drugs, or engage in sex work. They are not all in any framework or in studies. They tend to sleep during the day and wander around at night. The students meet them at night and offer legal services. The Clinic works in five field stations, some of which also offer food, a hot shower, and temporary accommodation.

"The second strand of our activities is the Street Law project. This is an empowering and exciting project that provides minors at risk with

legal knowledge and lets them meet the law in a different context from their previous negative encounters. At the end of the year, the students and the young people prepare a mock trial together and present it at the Faculty. If they have families, the families come to watch them, and the young participants even receive a certificate from the Faculty of Law for completing the course. It's a really moving experience. For most of them, this is the first certificate they've ever received.

"Then we have the project and policy advocacy team. Based on our contacts with the field, we identify all kinds of areas where change is needed. Children – and particularly children at risk – are a very disadvantaged group, so we also try to work in the areas of legislation and policy. We go to the Knesset and meet with government officials, and we maintain a presence in the field, learning about the problems and doing what we can to solve them.

"To give an example, we realized that when minors who are placed outside the home due to abuse or neglect run away from the framework, a criminal file is opened. Instead of

protecting the minors, their time in these frameworks can end up leaving them with a criminal record. The Clinic wrote a position paper on this subject, and we held a round table discussion with representatives from the police, the Welfare Ministry, the Justice Ministry, NGOs that work with youth at risk, and others. Following the round table an interministerial team was formed by the Justice Ministry, the Welfare Ministry, and the police in order to try to prevent the opening of criminal records against minors who escape from institutions."

Learning from Practice

How do you prepare the students for their work with the young people?

"It isn't an easy task. The population we work with are at the end of the spectrum. Even if they have volunteered in the past, most of our students haven't met young people in these situations. Their first month at the Clinic is devoted to intensive legal and practical training. We learn about youth laws and children's rights, participate in simulations, and meet with the contact people in the field stations. The goal is to provide



"The best way to become acquainted with the work of social attorneys." Dr. Shiran Reichenberg

the students with as many tools as possible, but in the final analysis they learn most from their practical work."

Yarden Moscovich, a third-year student at the Faculty who volunteered at the Clinic last year, describes her experience: "I chose the Clinic because I'd always wanted to work with children and young people. I was very interested to see the legal side of the subject and to consider a professional future in this field. The academic material at the Clinic is really interesting. Shiran brings the professional side of things from the field, and the academic supervisor, **Dr. Tamar Morag**, has extensive knowledge on the rights of children and young people. During the year, a student at the Faculty came to me and my team partner, **Ariel Marens**, and told us that the professional team at one of the centers for girls at risk in Jerusalem was unable to

cope with the girls' legal problems. Together with Shiran, Ariel and I decided to start working in another center, despite the pressure involved. We found ourselves swamped with requests for help, from problems with the Executor's Office to criminal records. But at the same time we realized how meaningful the Clinic's work is and how much it can help these populations."

Shiran, do you have any closing comments?

"I strongly recommend the Clinic to students. It's a meaningful experience for sure, and the best way to learn about the practical work of social attorneys. The students who come to the Clinic are genuinely and profoundly committed to helping children at risk. The work is very demanding, both in terms of time and emotionally, and success is always relative. But the work is also very

satisfying. For example, we met a girl with a difficult past who didn't have any family support. We managed to help her get out of debt, close reports, and receive a stipend from the state. We can't make everything she went through in the past go away, but we can help her, and others in her position, to find their place in society again as normative citizens. We hope that from here on things will only get better for her." ■



Out in the field. Members of the Clinic

Shaping Reality

■ Hili Enoshi

Prof. Badi Hasisi, the head of the Institute of Criminology, is confident that the studies undertaken at the Institute do not just sit on library shelves, but also influence policy-makers and the reality in the field. He took time out to tell us more about one of the newest, most dynamic, and most prominent departments at the University



How did you come to serve as head of the Institute of Criminology and become one of the leading researchers in the field?

"My academic training is as a sociologist, not a criminologist. I got involved in the field after I wrote my doctoral thesis at the University of Haifa. My thesis discussed the relations between the police and the minorities, in the wake of the

events of the Second Intifada, when there were serious clashes between the police and Arab society in Israel. It was a traumatic period, and I was fascinated by these clashes, which exposed the tense relations between the police and the minority group.

"I also undertook a historical study, together with **Prof. Deborah Bernstein**, a sociologist and social historian, examining the >>>>>

phenomenon of so-called honor killings during the British Mandate period. We tried to describe the phenomenon, its ramifications, and the response. My colleague **Prof. Mona Khoury-Kassabri**, the Dean of the School of Social Work, and I are leading an initiative in the Justice Ministry to examine the response to the problem of stone-throwing in East Jerusalem. We are working closely with the law enforcement systems. This is a unique model in the field of criminology and it adds a practical dimension to the research."

About six months ago you were awarded the Fattal Prize for Legal Research. Why do you think you were chosen for this honor?

"This prize is given for past academic activities, and this is the first time that it's been awarded to a criminologist rather than a law scholar. The award recognizes the fields I have tried to advance and I consider it a great privilege. These are studies that do not just sit on library shelves, but also influence policy-makers. For example, we felt that we were part of the process that led to an

improvement in the security checks and the attitude toward minorities at the airports."

What improvements have been seen?

"Let's start at the beginning. We undertook a study in cooperation with the Security Division at Ben Gurion Airport examining the security checks. We found cases when the luggage of Arab passengers was opened in public, in front of the other passengers, seriously impairing the passenger's confidence in the process. We didn't find the same phenomenon among foreign or Israeli-Jewish passengers. The way the suitcases was opened added insult to injury for the Arab passengers, who feel discriminated against in other social contexts and saw the security check as part of the same reality. After a few years, the Airports Authority decided to adopt a new inspection method (HBS) based on sophisticated technological inspections that reduce the human element involved. This method ended the practice of opening suitcases in public. A study evaluating the

attitudes of Arab passengers before and after the reform showed that Arab passengers are more positive about the new security checks.

"When I tell a particular organization, 'Listen, guys, what you're doing isn't working' and they draw conclusions, that's the best evidence that we are making a difference, that what we do works. There are gaps sometimes between academia and the field, but I feel that I'm positioned at a junction where organizations are open to ideas and dialogue and willing to allow research to enter. I think one of the reasons I was awarded the prize is that my colleagues and I have managed to produce research that is not only interesting, but also has an impact, and that's something I really like about my work."

For readers who aren't familiar with the Institute of Criminology, can you tell us a little about its work?

"The Institute of Criminology at the Hebrew University is one of the oldest institutions of its kind in the world, and its researchers have been involved in many innovative fields. The Institute has an impressive



Close contacts with the law enforcement systems. Prof. Hasid

"The Israel Airports Authority decided to adopt a new inspection method based on sophisticated technological inspections that reduce the human element involved. This method ended the practice of opening suitcases in public"



More positive reactions from Arab passengers. Ben Gurion Airport.

history, and today, too, our researchers are in the vanguard of the profession. We publish articles and win prizes, proving that we are at the heart of international activities in the discipline. Each faculty member is unique. The Institute publishes the second-most important journal in the field in the world – the Journal of Quantitative Criminology, edited by **Prof. David Weisbord** and myself. Most of the leading criminologists in the world have visited us here, and that, too, is important evidence of our success.

"We are working to shape a new generation of researchers. We offer a special program for advanced degrees that I hope will become a model for the university as a whole. The program is intended for outstanding scholarship students who work in the field while they study with us. The model is a great success and some of the graduates are now members of our faculty. The Institute does not only produce academics, but also people who fill key positions in the law enforcement system. I'm glad to say that we also have an impact on the situation on the ground."

Can you tell us about the Institute's curricula?

"We started out small but we're growing rapidly. In the past we only offered MA and PhD degrees. Today we have a variety of master's programs, such as a program

for people working in the law enforcement field and a program in forensic science in cooperation with the Faculty of Natural Science. Students can take the degree over in Natural Science, from that perspective, or with us, from a criminological perspective.

"We've also worked hard on our undergraduate programs. When I was interviewed about a year and a half ago, I noted that were just at the beginning in this area. This year, the first class of undergraduates will be completing their studies. We're really excited by the level of demand for the program. In the first year we expected to admit around 40 students, but today there are about one hundred. The level of interest shows that the field is regarded as empirical and interesting, particularly for the younger generation. The Israel Police has identified criminology as an important academic discipline, but there is also demand for criminologists in other fields of public service, including the Finance Ministry and the tax enforcement system."

Why did you decide to open the undergraduate program?

"We wanted to influence undergraduate studies in Israel. There aren't many universities that offer criminology at undergraduate level. We wanted to help shape this discipline from our own little corner.

An academic department can only grow and develop thanks to one thing: the quality of its research students. If we train a generation of students who have the foundation, and accompany them as they continue, we can increase the chances of getting high-quality candidates for our master's and PhD programs. After we launched the undergraduate program, I encouraged the launching of a workshop for outstanding students as a framework for sowing the seeds of research. These are people we want to nurture and move forward toward their master's and PhD degrees."

What is your message to the graduates of the first class who are completing their undergraduate studies in criminology this year?

"I'm moved that the first class is graduating during my period as head of the Institute. We're proud of them, happy that they trusted us and came to study with us, and hope to see some of them in our master's and PhD programs. I'll be very happy to see some of them finding their place in the law enforcement system or in other relevant bodies where their background in criminology will be useful. Most important of all – I'd really like to stay in touch with them. I invite them to come to the class reunions, and I hope that they'll serve as ambassadors encouraging others to come here and study criminology." ■

Internationals

■ Dvir Aviam Ezra



Washington, Vienna, The Hague and Mishkenot Sha'ananim.

This year, too, representatives of the Faculty will represent us in international legal competitions.

We interviewed the team coaches who hope to repeat previous successes and bring home successes and medals. Meet the people who bring credit to the Faculty

The competition: *Jessup*

The Philip C. Jessup International–Law Moot Court Competition

Coaches: *Atty. Shannon Kish*, Faculty graduate; and *Yedidia Jacob*, 4th year student of Law and International Relations



The team to the International Competition in Washington



Washington DC, USA

Yedidia, what is Jessup?

It's an international competition that aims to imitate the International Court of Justice (ICJ), so it focuses on the field of international public law. The case for the upcoming competition is published in September and relates to a dispute between two fictitious countries.

The next stage is a national competition. In the past we faced the College of Administration, since last year our rivals have been from Tel Aviv University. The competition is based on a litigation format. The winning group travels to Washington DC for the international competition, which is judged by international legal experts. The final is judged by real judges from the ICJ. About 700 teams from one hundred countries participate in the competition.

How many members are there in the team?

This year four students are participating, two from the second year and two from the third.

What is the Faculty's best result in the competition?

The Faculty reaches very high positions and advanced stages in Washington DC. In 2015 we won both the contest for the prosecutors' arguments and for the defendants' – the first time this has happened in the long history of the competition. The year after we came third. We hope that this year, too, our team will win the regional competition, travel to Washington DC, and bring us honor.

How are the team members chosen?

An invitation is published toward the end of the second semester, and after the mock case is announced we interview the candidates and ask them to present their arguments to us. That way we choose the team for the following year.

Why is it worth competing?

First of all, for students who are interested in international law, there is no other competition in the Faculty that is more relevant and helps prepare them for the field than Jessup. In addition, guest judges always come along, exposing the participants to leading people in the field in Israel and abroad.

Even students who aren't interested in international law can gain a lot from the competition. It encourages independent research. The participants learn how to write and present litigation, and it helps improve their skills in writing essays, undertaking research, and presentation yourself and your arguments in an unusual way.

How did you come to coach the team?

I'm the assistant coach to Atty. Shannon Kish. I participated in the competition in my second year and this is the second year that I'm working as a coach. I gained a lot from Jessup as a team member, and I wanted to see how things look from the other side.



The competition: *Red Cross Committee National Competition in International Humanitarian Law*
Coach: *Nitzan Fisher Conforti*, staff attorney, Yigal Arnon & Co.



The team to the Red Cross Competition, 2018

 **Mishkenot Sha'ananim, Jerusalem, Israel**

Nitzan, what is this competition about? What is the legal framework and what process is involved?

The National Competition in International Humanitarian Law (also known as the “Red Cross Competition”) is held every year among 12 groups from academic institutions around Israel. The competition focuses on international humanitarian law and ancillary fields, including human rights law, international criminal law, and cyber law. The participants play the roles of attorneys presenting arguments in court; manage negotiations between international organizations; and draft binding legal agreements between states and non-state organizations.

The students who represent the University are chosen by an internal screening process (usually in March) and spend six months preparing for the national competition. The winners of the national competition receive full funding from the International Red Cross Committee to participate in the prestigious Jean-Pictet Competition.

Where does it take place?

The national competition lasts four days and is usually held on Kibbutz Tzuba. The final takes place at the Konrad Adenauer Conference Center at Mishkenot Sha’ananim in Jerusalem.

How many members are there on the Faculty team?

The Faculty team comprises two groups, each of which includes three members.

What is the Faculty’s best result in the competition?

Out of 12 national competitions, the Hebrew University has won eight. Our teams have reached the semi-finals of the international Jean-Pictet Competition six times.

How are the team members chosen?

The coaches publish an invitation to submit candidacies for the competition. The screening usually takes place in March. Candidates submit a brief written document and present oral arguments in English. The goal of the screening is not to evaluate the students’ knowledge of international law or their English. What matters is the student’s desire to put in effort and participate in the competition.

Who would you recommend the competition to, and why?

Any student who wants to take a unique course during their studies; students who are interested in improving their research and argumentative capabilities; and students interested in international law.

How did you come to coach the team?

I participated in the national competition in 2014 and represented the University in the Jean-Pictet Competition in 2015. My team reached the semi-final stage. After graduating, they suggested that I come back to coach the teams, and I was delighted to accept the offer.

The competition: *International Criminal Court Competition - ICC*
Coach: *Noa Schreuer*, Second Assistant to the Attorney-General on International Legal Affairs



Team members, 2017

 **The Hague, The Netherlands**

Noa, tell us about this competition. What is the legal framework and what process is involved?

The competition is sponsored by the International Criminal Court (ICC) in The Hague, and it concentrates on the field of international criminal law. The team from each university is given a case that raises issues in this field. The first stage is the submission of written arguments. One member of the team is appointed to represent the prosecution, another represents the defense, and the third members represents some third party, such as the victims or a state involved in the proceedings. The second stage includes oral hearings and last a week.

Where does it take place?

The competition itself takes place in The Hague, The Netherlands. The trials take place at the University of Leiden and the final, including three teams, is held at the International Criminal Court itself, where the team members present their arguments before the serving judges on the ICC.

How many members are there on the Faculty team?

This year three students will compete: David Ross from the second year, Or Nir from the third year, and Yazid Arsheid from the third year. The assistant coach is Shaked Cohen Dor, a past participant in the competition.

What is the Faculty’s best result in the competition?

In 2014 our team reached second place in the competition and had the privilege of arguing its case at the International Criminal Court in The Hague.

How are the team members chosen?

An invitation is published in June. Candidates are required to submit written arguments according to the published question, and later oral tests are held.

Who would you recommend the competition to, and why?

Anyone who’s looking for a meaningful challenge during their law studies, both on the academic and the professional levels, is welcome to submit their candidacy. The competition gives the participants more capabilities and skills than many courses, and even than practical work – from the ability to draft and write arguments to the oral presentation. The competition is also a great asset for anyone who wants to finds a place in the practice of international law. This is a niche field, and any experience students can acquire during their studies will be very relevant later on.

How did you come to coach the team?

During my studies at the Faculty I participated in the Copenhagen International Commercial Law Competition, and last year I took part in the Jean-Pictet Competition in humanitarian law as part of my master’s studies in Geneva. After I came back to Israel, the Faculty contacted me and told me they were looking for a coach for the team.

The competition: Willem C. Vis International Commercial Arbitration Moot

Coach: Tali Har-Oz, staff attorney, Yigal Arnon & Co.



Team members



Vienna, Austria

What is this competition about? What is the legal framework and what process is involved?

The Vis Moot is the largest and most prestigious competition in the field of commercial law, with some 400 universities from 80 countries participating. The competition simulates a commercial dispute before the International Court of Arbitration, and the goal is to enhance the students' understanding of international commercial agreements and the disputes that emerge.

The screening for the competition takes place toward the end of the academic year, and the preparations for the competition last about seven months, from the publication of the case by the organizers at the beginning of October through the competition itself, which lasts eight days and takes place in March or April. The arguments are presented in front of a panel of arbitrators who ask questions about legal provisions and the facts of the case and challenge the participants to respond to counter-arguments.

Where does it take place?

The competition is held each year in Vienna, Austria. The various competition events (the competition ceremonies, the opening party, and the professional conferences) take place in buildings of historical or legal importance, and the competition also provides organized tours.

How many members are there on the Faculty team?

The Faculty team comprises four students.

How are the team members chosen?

The screening process includes writing a short argument, presenting the written arguments and oral arguments to the team coaches, and an interview.

How did you come to coach the team; who would you recommend the competition to, and why?

The Vis team at the Hebrew University was established three years ago by Tomer Trager and myself. We both participated in the Jessup competition in the past and then went on to commercial fields of law. We felt that competition in moot-type contests through the Faculty made an immeasurable contribution to our professional and personal development. We also felt that the Faculty should also participate in a competition of this type, that is intended for students interested in the commercial aspects of international law, rather than focusing solely on public international law. In practical terms, the competition also offers students a chance to hone their writing and oral presentation skills in English and to draft a well-organized and persuasive argument. Lastly, the stay in Vienna and the encounter with students, attorneys, and academics, is an exceptional personal experience that combines an intellectual challenge with an unusual social adventure.

Prof. Tomer Broude, who is the Faculty member responsible for the international competitions, adds: "The various international legal competitions strongly enrich the Faculty's curriculum. They offer students a chance to gain experience in legal arguments at the highest level, both written and orally, in a setting that simulates reality rather than under the neon light in the classroom. No other law faculty in

Israel offers such a wide range of competitions, and no other faculty has such a strong record of success in this field – a fact that contributes to the Faculty's international reputation. The Faculty invests considerable resources in the students who participate in the competitions. We are interested in participating in additional competitions, such as the WTO Rules Competition, for which I wrote the case a few years ago. After

around 15 years of participation in the competitions, we are very pleased with the professional progress of the former participants. We even have a Faculty member who is a graduate of Jessup – Dr. Netta Barak-Corren. Lastly, we must thank Gross, Kleinhendler, Hodak, Halevy, Greenberg, Shenhav & Co. (GKH) for their sponsorship of the field of international competitions here at the Faculty." ■



The Jessup competition tries to imitate it. The International Court of Justice, The Hague

Photo: Dennis Jarvis from Halifax, Canada (CC BY-SA 2.0 (<https://creativecommons.org/licenses/by-sa/2.0/>), via Wikimedia Commons

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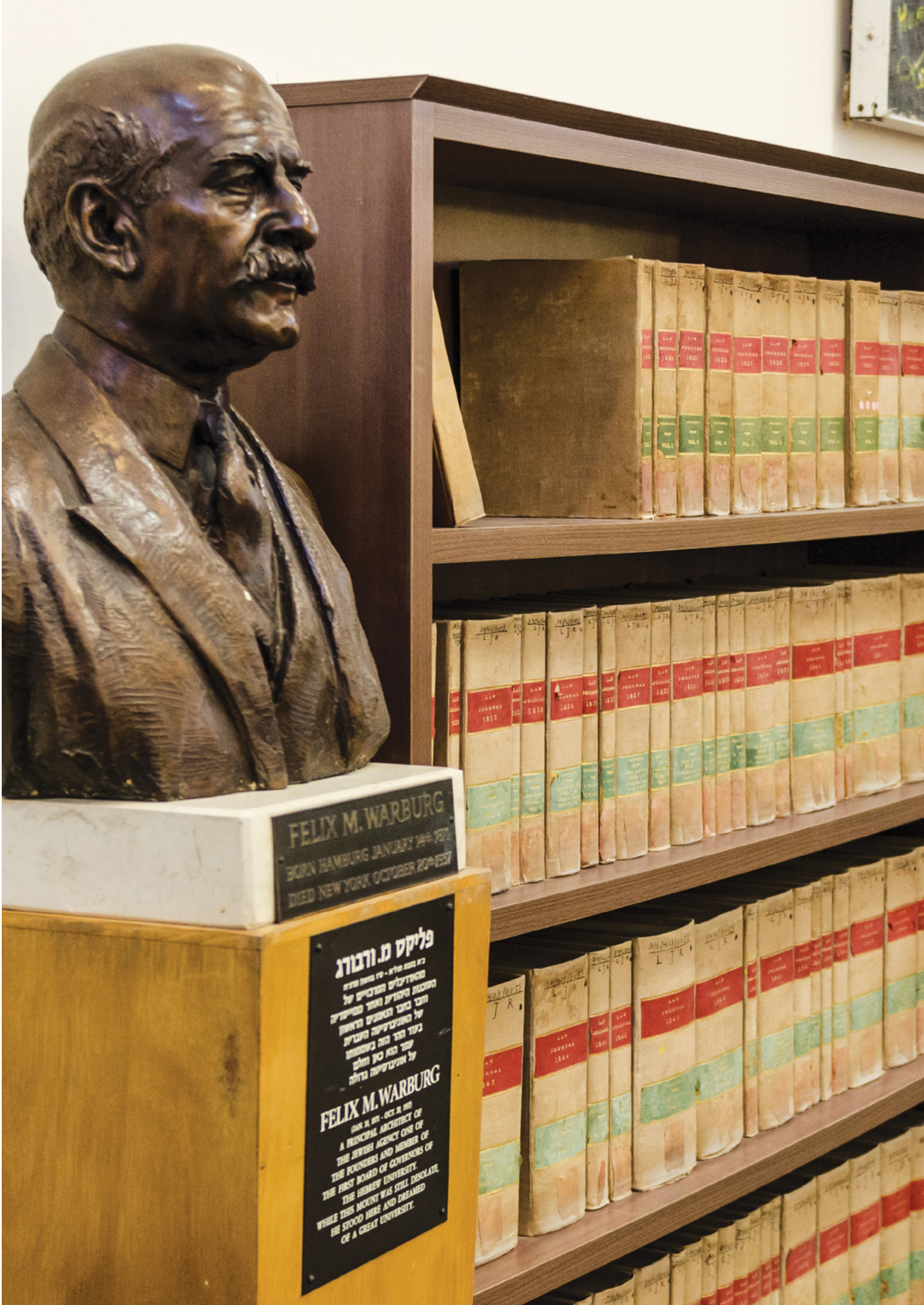
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