

A Bit of Thought: Analyzing the Purpose of Proscribing Illegal Access to Computers

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This article shows that The Israeli Computer Law, 1995, raises formal and substantive difficulties and problems from every aspect. The law is very vague and wide; the Supreme Court has rewritten it to make it even vaguer and wider, and there is no clear and coherent purpose behind it. This prohibition is extremely vague in each of its layers and no consistency can be discerned. The formal definition of the prohibition is wide and vague and it is unclear from its language and its judicial interpretation what is protected by it and what is not. The problem is not merely that the prohibition itself is vague: its purpose does not help us either in understanding the prohibition because it is even vaguer and more elusive. The values supposedly reflected by the prohibition, the reasons why it exists – are unclear and incoherent. It is dubious whether it is justified to protect these values under a prohibition revolving around one specific technology, rather than under general laws that protect the same values.